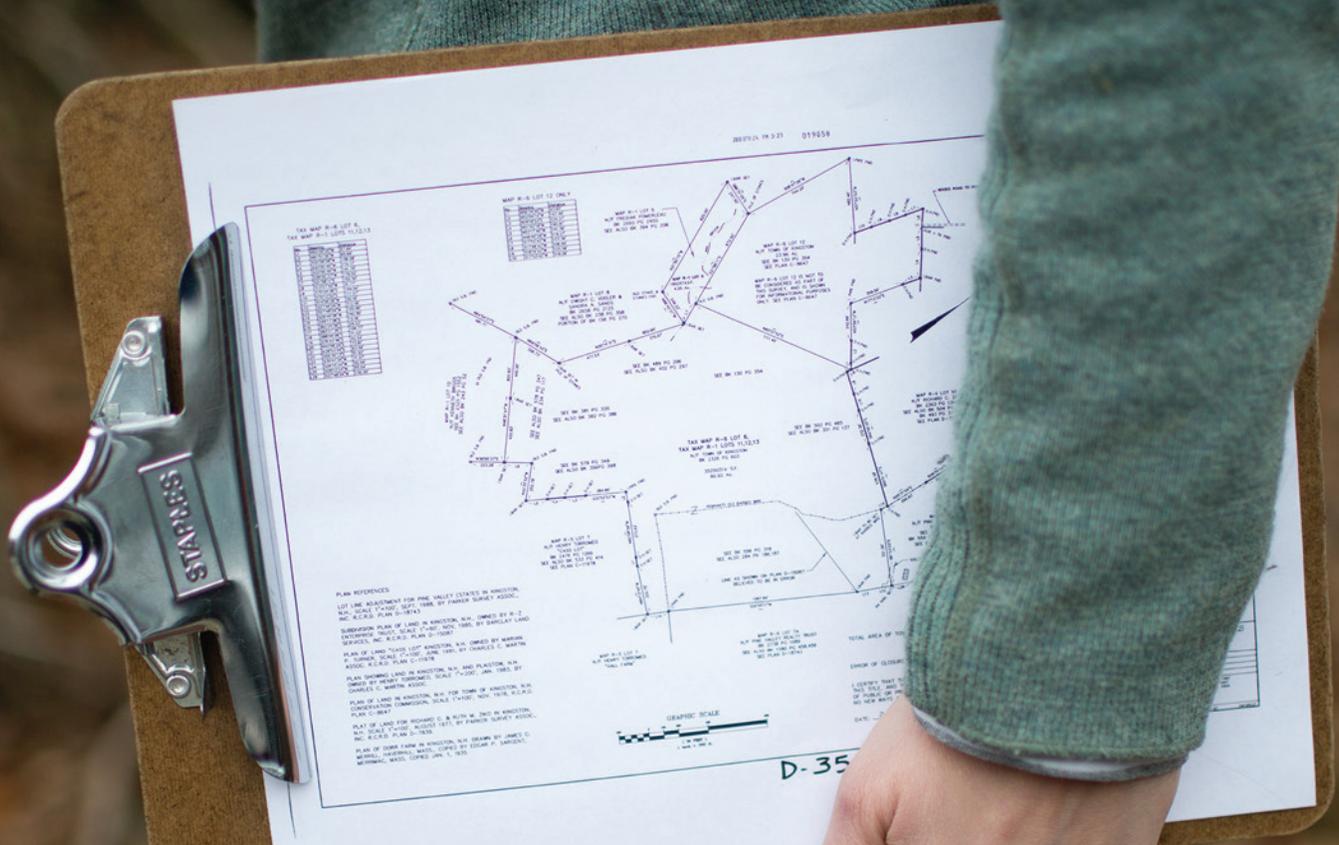




University of
New Hampshire
Cooperative Extension

THE STEWARDSHIP NETWORK: NEW ENGLAND TRAINING GUIDES

How to Monitor Conservation Easements



Volunteer Handbook



The Stewardship Network
New England

How to Monitor Conservation Easements

A step-by-step guide to monitoring conservation easements

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This training guide is adapted and borrowed from materials developed by Frank Mitchell for Bear-Paw Regional Greenways and Deborah Goard with Southeast Land Trust of NH (SELT).

This guide was produced by the Stewardship Network: New England, a project of the University of New Hampshire Cooperative Extension (UNHCE), with funding support from the NH Charitable Foundation.

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How to Monitor Conservation Easements

The purpose of this guide is to help you, as a volunteer, better monitor conservation easements.



Whether you volunteer for an established land trust, serve as a board member on an all-volunteer land trust, or serve as a conservation commissioner in your town, you can play a critical role in stewarding land protected through conservation in your community. Learning how to properly monitor conservation easements is critical to upholding the terms of conservation easements in perpetuity.

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When we see land as a community to which we belong, we may begin to use it with love and respect.

~Aldo Leopold



Conservation Easement Monitoring Materials

If you are volunteering for a land trust or other established conservation organization, you are likely reporting to a volunteer supervisor/coordinator who can provide you with all the documentation needed to monitor a conservation easement.

If you are monitoring easements for a town as a conservation commissioner or volunteer, finding these documents may be trickier and some of them may not exist.

If you need help identifying or locating key documents or if you need help developing them for a new project, we strongly recommend connecting with your local land trust for assistance and resources.

How to Read a Conservation Easement Deed

Because conservation easement deeds are complex legal documents, you may find them difficult to understand at first. However, it is important for you to understand the information laid out in the easement deed because it describes the constraints specific to the easement you are monitoring. The following information is intended to help you understand what you are reading and what to look for.

For all conservation easements, there are five main parts:

1. Purposes. The first section of the easement states the major goals, conservation purposes, and conservation values to be protected by the conservation easement.

The statement of conservation purposes reflects the mission and goals of the land trust, town, or other easement holder. It relates to the IRS criteria for qualified charitable deductions and identifies the specific ways in which the easement satisfies these criteria.

The purposes may also include any relevant statements that are linked to state and local government objectives associated with land conservation. These are particularly important if state or local grant funding was used for the purchase of a conservation easement or property.

The conservation values are the specific values a property possesses that are being protected through the easement.

2. Use limitations. Use limitations restrict certain uses of the property protected by the conservation easement. These restrictions are designed to protect a property’s conservation values in order to meet the conservation purposes of the easement.

CHECKLIST: Key Documents

- Conservation easement deed
- Survey map of property
- Current landowner name and contact information
- Aerial imagery of property if available
- Baseline documentation
- Conservation easement monitoring form
(sample form included in this guide)





3. Reserved uses and rights. Reserved rights are rights owners retain for their property, typically ones that might not otherwise be permitted by the use limitations.

4. Affirmative rights of the easement holder. Affirmative rights are what the landowner permits the easement holder to do on or with the landowner's property.

The most basic affirmative right is the right to inspect the land and monitor and enforce the conservation easement. Normally the easement holder will have the right to enter the property for the purposes of monitoring compliance with easement terms and discussing any issues with the landowner.

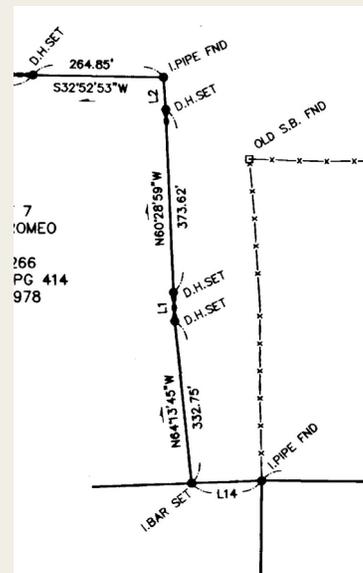
In addition, the easement holder may be granted affirmative rights to conduct wildlife management studies or practices, obtain emergency access to the property, or post signage on property boundaries indicating that the property is encumbered by a conservation easement.

Some conservation easements include an affirmative rights provision assuring public access to the property, but many do not.

5. Administrative provisions. The administrative provisions within a conservation easement are the other terms and conditions that are important for administering the agreement and defining the relationship between the landowner and the easement holder.

Among the many issues addressed, administrative provisions spell out the relationship between the easement holder and the landowner; address IRS requirements; cite responsibility for property tax, insurance, and property management payments; address liability and indemnification; and provide a process for amendment.

How to Read a Survey Map



The ability to read survey maps is a key skill for monitoring conservation easements.

To learn about reading survey maps, see *The Stewardship Network: New England Training Guide Outdoor Skills for Conservation Volunteers*.



What to Do One to Two Weeks in Advance

Review Your Conservation Easement Materials

- 1. Gather key documents.** Gather the documents needed for monitoring the easement (see page 3) and review them. Read through the conservation easement deed to make sure you understand the purpose of the easement, the use limitations, the rights of the landowner, and the rights of the easement holder.
- 2. Review previous monitoring reports.** Even if you were the easement monitor for the property in the past, it may surprise you how much you can forget from year to year. Make note of any areas of concern outlined in previous reports or in the baseline documentation. The baseline documentation (a report of the conditions on the land at the time of conservation) is also important to review, especially if it's a newer easement.
- 3. Outdoor skills guide.** Review the *Outdoor Skills for Conservation Volunteers* training guide, which explains how to use a compass, and read survey maps. You can find the handbook at newengland.stewardshipnetwork.org/training-guides.
- 4. Maps.** Review the survey map and aerial imagery to plan your monitoring route. Are there boundaries with many abutters? Areas that look like they get high use? These are areas to pay careful attention to during your visit.
- 5. Update.** Verify that the landowner contact information, easement information, and monitoring reports are up-to-date, accurate, and in order.

Schedule Your Visit

- 1. Contact.** Contact the landowner to arrange a suitable time for the site visit. Introduce yourself and explain the purpose of your visit. Be sure to ask the landowner where you should park and where best to access the property. Let him/her know your planned route to monitor the property.
- 2. Invite.** Invite the landowner to join you on your monitoring visit. If they cannot join you, offer to meet with them another time to walk their land, get to know them, or find out any concerns or questions they want addressed.
- 3. Arrange a partner.** If the landowner will not be joining you for the monitoring walk, arrange to have another land monitor or friend join you. It's safer, and more fun, to conduct your monitoring visit with another person.

Gather Supplies

Consult the suggested supply list (see sidebar) to make sure you have everything you need to conduct your conservation easement monitoring visit.

Suggested Supplies

Paperwork and Recording

- Copy of easement deed
- Aerial photos
- Baseline documents, maps, photos of markers, etc.
- Previous monitoring reports
- Monitoring form
- Camera (or phone with camera)
- Notepad/clipboard
- Pencils

Navigation and Boundaries

- Compass
- GPS (or phone with GPS)
- Flagging tape
- Appropriate signage (land trust or town signs)*
- Hammer and aluminum nails*
- Field tape measure*

Personal

- Drinking water and snack
- Appropriate clothing and footwear for terrain and weather
- Sunscreen
- Protection from insects
- First aid kit
- Cell phone with fully charged battery
- Field guides*
- Binoculars*

*recommended but not required

Conducting the Monitoring Visit

Monitoring Protocol

1. **Supplies.** Review the list of suggested supplies (see page 5) and ensure you have everything you need for your field visit. Remember to look at the weather forecast to be prepared for any changes in the weather.
2. **Review safety procedures.** See page 10 of this training guide.
3. **Meet with the landowner.** You should have already spoken to the landowner to introduce yourself and discuss your visit. If not, and the landowner’s residence is on the property, it may be necessary to stop by and explain the purpose of your visit and where on the property you will be conducting your monitoring activities. If the landowner will not be walking the property with you, give him/her an estimate of how much time it will take to complete the visit.
4. **Ask the landowner questions.** If you haven’t already, ask the landowner questions that are required as part of the monitoring visit (see monitoring form). Remember to be sensitive to needs and concerns and be tactful and courteous when asking questions. Record any relevant details of the conversation on the monitoring form and verify its accuracy with the landowner. Use the landowner’s knowledge to fill any gaps. Here are some of the types of questions you may consider asking:
 - The landowner’s general history with the land
 - Current or planned land uses
 - Current or planned land management activities
 - Natural and/or human-caused changes to the landscape
 - Abutter’s activities
 - Observed wildlife or plants
5. **Walk the property boundaries and interior.**
 - Visit areas of interest including boundaries, access points, areas of past problems, and areas of recent management activity. Populated boundaries should be checked more often. Isolated interior areas or borders with other conservation land are less of a priority in annual monitoring.
 - Make use of interior roads and property trails if possible.
 - Record notes and observations on the easement monitoring form.
 - Take photographs of specific areas of concern. Focus on documenting changes from previous visits, changes in previously photographed areas, and significant natural changes.
 - Consider safety at all times and exercise caution when walking the property. Make sure to keep yourself oriented on the property using



Photo Tips

- Photographs are meant to be for documentation purposes – avoid excessive artistry.
- Include an object in the photograph that provides scale and reference to the surroundings.
- Record locations where photographs are taken on a map.

maps, compass, GPS, or landscape features. Remain on the property being monitored.

- Make sure to complete the easement monitoring form and check recorded information for accuracy.
- When you're finished with the site walk, thank the landowner (if on site) for his/her cooperation. Let the landowner know that your report will be on file if he/she has any questions.

Key Best Practices

Monitoring conservation easements is a serious volunteer job. Due to the legal nature of conservation easements and the sensitive nature of landowners' rights, it's important to follow key best practices as a conservation easement volunteer (see sidebar).

Monitoring Visit Follow-Up

As soon as possible (maximum 30 days):

- 1. Report out.** Fill out the easement monitoring form as soon as possible after the monitoring visit. Sign and date the report. Include a narrative summary of any relevant observations, conversations, or experiences from the monitoring visit. Organize and label photographs according to the number, date/time, and location on the property. Write a very short description about the subject and significance of any photography included with the monitoring report.
- 2. Submit report.** Arrange to meet with your volunteer supervisor or conservation commission to submit the monitoring report, voice any concerns, and report any significant changes, property disturbances, or unusual situations.
- 3. Landowner follow-up.** Consider sending the landowner a card or short letter thanking him/her for taking the time to visit with you (especially if they joined you on the walk). Remind them they can get a copy of the report from the easement holder if they have questions about the results of the walk.

Key Best Practices

- When in doubt, stick to the reasonable person standard: Act as a reasonable person would act under the same circumstances.
- Review the easement documents before your monitoring visit.
- Follow the landowner's instructions for visiting the property, especially parking instructions.
- Document your observations.
- Document all communications with the landowner.
- Do not attempt to interpret the easement, approve activities, or enforce the easement's provisions.
- Treat all information collected during monitoring inspections as private and confidential. Do not share this information for any purpose other than to perform your monitoring responsibilities.

IMPORTANT!

As an conservation easement volunteer you CANNOT:

- Interpret the easement for landowners.
- Approve or disapprove a landowner's future plans.
- Accuse a landowner of violating easement terms.
- Attempt any mediation or enforcement action.



While in the Field:

1. Be visible. Wear bright colors and/or reflective clothing.
2. Maintain situational awareness. Assess your position frequently and be mindful of terrain, wildlife, and weather conditions.
3. Follow trails and other well established routes whenever possible.
4. Never attempt to cross frozen surfaces such as wetlands, lakes or ponds.
5. Do not approach wildlife.
6. Avoid allergenic plants.
7. Document human activity in writing or by photography when possible, but never confront individuals.
8. Maintain contact with and periodically update individuals who have knowledge of your activity.

Upon Returning from Monitoring:

1. Inform all individuals previously notified of your safe return.
2. Thoroughly examine your body for ticks and exposure of any sort.

A Note About Hunting Season

Due to the wide variety of game found in New England, hunting is a sport that is in season a majority of the year. In order to avoid the possibility of mistaken identity, it is a good idea to wear bright colors such as an orange hat, vest, or gloves. A list of general hunting season dates to be aware of are listed in the sidebar.

Refer to state wildlife agency websites for exact start and end dates of hunting seasons for the current year and more information about hunting precautions.

Be Aware: New England Hunting Season Dates (Approximate)

Late April
Youth turkey-hunting weekend

Early May – Late May
Spring gobbler season (wild turkey)

Starting Early September
Black bear (dates vary for method and WMU)

September – January
Waterfowl (Dates vary by species and zone)

Mid-September – Mid-December
Deer/archery and fall turkey/archery

Mid-October (1 week)
Turkey/shotgun

September – March
Small game and furbearers (dates vary by species and region)

October – December
Pheasant

Mid-October – Late October
Moose (by permit only)

Late October
Youth deer-hunting weekend

Early November
Deer/muzzleloader

Mid-November – Early December
Deer/regular firearms



Poison Ivy, Poison Oak, and Poison Sumac

These species of plants can cause uncomfortable and painful rashes when they make contact with the skin. Go to poisonivy.aesir.com/view for information on identification and treatment.

Lyme Disease Precautions

When monitoring in the spring, summer, or fall, ticks are always a risk. Ticks often carry Lyme disease. Indicators of Lyme disease may include a “bull’s eye” ring around a tick bite. The UNH Cooperative Extension is a good resource for tick identification, Lyme symptoms and tick activity levels; go to extension.unh.edu/articles/lts-tick-season-protect-yourself.

Lyme disease is caused by a bacterium *Borrelia burgdorferi*, which lives in the black-legged tick (*Ixodes scapularis*). In the nymph stage, these ticks are extremely small and will often hide in hairy areas of your body. As the tick ingests blood, its body becomes more swollen. Most Lyme disease cases are associated with a bite during the tick’s nymph stage, when 10-36% may be infected with Lyme disease spirochetes. Nymphal ticks are about the size of a pinhead, difficult to spot, and active during the late spring and summer months. Adult ticks are active in fall, warm winter days, and spring. They’re larger, easier to spot and therefore associated with fewer cases of Lyme disease, even though more of these ticks are infected with Lyme disease spirochetes.

Prevention

- Deer ticks are most prevalent in late spring and early summer in areas of low-lying vegetation in wooded, brushy, or overgrown grassy habitats (less likely in fields).
- Wear a long-sleeved shirt and long pants tucked into socks or boot tops, or wear gaiters. Light-colored clothing makes it easier to see and remove ticks.
- Insect repellent on clothes and exposed skin can reduce tick attachments.
- Early detection of tick bites is key: Conduct regular tick checks on exposed skin and check your whole body daily. Transmission of the bacterium is unlikely if tick is removed within 24 hours of attachment.
- Serious consequences of Lyme disease can be prevented by treatment in its early stage with oral antibiotics. Seek early diagnosis and treatment of suspected tick-borne infections.

Tick Removal

- Do not apply creams, alcohol, or heat to an attached tick: this may cause a more severe infection from the tick’s release of stomach contents.
- Use tweezers to grasp the body of the tick as close as possible to your skin and pull slowly with constant yet gentle pressure to extract the tick.
- Keep the tick in a vial for medical documentation.
- Seek medical attention immediately if you develop any of these symptoms:
 - Rash associated with bite location, often in the shape of a “bull’s eye” (up to 40% of infected people do not have a rash symptom)
 - Flu-like symptoms (fever, fatigue, headache, chills, or body aches)
 - Later symptoms include more severe medical problems such as joint and neurological complications





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