



THE SAKONNET PRESERVATION ASSOCIATION, INC.

CONSERVATION EASEMENT MONITORING POLICY

1.0 Guiding Principles

- 1.1** The Sakonnet Preservation Association (Association) is committed to upholding its legal and community obligations in order to preserve each and every conservation easement it accepts. As conservation easements are given in perpetuity, the Association is committed to monitoring, defending and enforcing their terms and restrictions in a consistent, timely manner.
- 1.2** Pursuant to the national Land Trust Alliance's standards and accepted land trust practices, the Association shall monitor each of its conservation easement properties regularly, at least annually, in order to strengthen the relationship with the landowner, ascertain changes in land ownership and ensure enforcement of the easement's terms. Effective property monitoring is required to uncover possible easement violations, initiate remediation, undertake enforcement actions and establish a record for possible legal action. The Association shall keep all appropriate documentation such as reports, updated photographs and maps of each monitoring activity.
- 1.3** The Association shall abide by this Policy as amended from time-to-time by the Association's Board of Directors. The Association shall adopt procedures to implement this Policy as Board members find necessary and advisable in the course of the day-to-day work of land stewardship. The Association shall comply with all procedures in a consistent manner. Monitors shall adhere to all procedures adopted for contacting the landowner, preparing for the visit to the property, monitoring the easement and writing the report. The Stewardship Committee shall revisit this Policy and its implementation procedures periodically to consider amendments that reflect changing Land Trust Alliance standards and/or to strengthen its provisions; it shall make recommendations to the Board accordingly.
- 1.4** The Association shall maintain the most constructive working relationship possible with the landowner and adhere to the belief that landowner education and relationship building, not litigation, are more likely to guarantee that conservation easements are upheld.

2.0 Frequency of Monitoring

Each conservation easement held by the Association shall be monitored regularly, at least annually, to determine whether the property is being used in accordance with the owner's reserved rights and the prohibited uses detailed in the conservation easement for the property. Those easements with particularly

sensitive conditions, and where a landowner is performing management activities, may require monitoring more frequently than once a year. This will help identify, as soon as practicable, any actions that may violate the restrictive terms of the easement and reduce the time and expense necessary for addressing concerns and correcting possible violations.

3.0 Monitors

3.1 Board members and volunteers shall serve as easement monitors. Individuals wishing to become volunteer monitors must be known to the President, Stewardship Committee Chair or other Board member(s) and have the basic skills needed to be a monitor that include: reliability, an interest in land conservation, availability and the ability to gain access on foot to the boundaries of a property. Prior to commencing monitoring, the Association's monitors shall receive adequate training (individually or in a workshop conducted by the Stewardship Committee Chair or Association President) in:

- 3.1.1 the methods and importance of the monitoring process;
- 3.1.2 the relation of monitoring to the Association's overall conservation easement management program; and
- 3.1.3 the monitoring of properties in a consistent and professional manner.

3.2 Monitors shall be accountable for the completeness and accuracy of their records.

4.0 Method of Monitoring

The Association shall monitor each easement by walking the property (ground monitoring), by boat or by aerial observation. If a violation is suspected or aerial observation shows significant change in the property, the property shall be monitored on foot as soon as possible.

5.0 Monitoring Process

The Association's monitor or Stewardship Committee Chair shall contact the property owner well in advance of a monitoring visit and make every effort to schedule the visit when the property owner can be in attendance. If the property owner cannot be present, the monitor shall ask for permission to monitor the property. Monitors shall adequately prepare for each monitoring visit by familiarizing themselves with the conservation easement, baseline documentation, prior monitoring reports and the Association's Easement Monitoring Inspection Report form. The monitor shall, if possible, review the easement terms with the landowner in person or by phone. The monitor shall walk the property, visiting in particular any areas of special concern. The monitor should make every effort to locate the boundaries of the property and any areas of the land affected by landowner reserved rights or special easement restrictions to determine compliance with the terms of the conservation easement. When changes to the land or development activities that are relevant to the conservation easement have occurred on the property, the monitor shall document and report them, if necessary, as specified in the Association's adopted Conservation Easement Monitoring Procedure.

6.0 Monitoring Follow-up

Following every property visit where no potential violations have been observed, the Association shall notify the landowner in writing that the land trust has inspected the property and that it appears to be in compliance. The Association shall adhere to its adopted Conservation Easement Violation Response and Resolution Procedure in order to address in a timely, professional manner any concerns raised about activities that may constitute a violation of the terms of the easement. Every monitoring visit shall be recorded, signed and dated by the monitor in accordance with the Conservation Easement Monitoring Procedure. All monitoring reports and all follow-up actions shall be archived in accordance with the Association's adopted Records Policy.

Revision History

1/16/2008 – Adopted by SPA Board of Directors

10/21/2009 – Adopted by SPA Board of Directors

1/10/2012 – Revisions Approved by Stewardship Committee

4/24/2013 – Revisions adopted by SPA Board of Directors