

Practice 11C. Easement Monitoring

“The land trust monitors its easement properties regularly, at least annually, in a manner appropriate to the size and restrictions of each property, and keeps documentation (such as reports, updated photographs and maps) of each monitoring activity.”

Key Elements of the Indicator Practice

- The organization monitors its conservation easements at least annually.
- The organization documents its annual monitoring activities in writing for each conservation easement (see below).

Additional Elements of Practice Implementation

- The organization’s Land Conservation Project List shows annual monitoring for every conservation easement.
 - Conservation easement monitoring is defined by the Commission as annual documented visual inspection of a conservation easement-protected property to ensure that the terms of the conservation easement are being upheld with on-the-ground physical inspections as the site warrants.
 - If there is an isolated and rare gap in monitoring a conservation easement annually, the Commission will review any explanation of the circumstances resulting in the gap in monitoring and will also consider the organization’s monitoring history in its evaluation of this practice.

At first-time application (required at time of pre-application)

- A monitoring frequency that meets one of the following evaluation methods.
 - There is at least one monitoring inspection each calendar year for a minimum of three years.
 - The last two consecutive monitoring inspections are approximately 12 months apart. (In defining “approximately 12 months apart,” occasional intervals upwards of 15 months apart are acceptable. Under no circumstances are intervals of greater than 15 months acceptable if relying on this method for evidence.)

At renewal application and thereafter

- At least one monitoring inspection each calendar year during the entire five year accredited term (or annually since date the conservation easement was acquired).
- If the organization closed on a conservation easement at the end of one year, the organization monitors the conservation easement by the end of the next year. (For example, if a conservation easement closed in October 2011, the first monitoring visit is before the end of 2012.)
- The organization’s monitors have the necessary training/expertise.

- The organization records the information that is needed to enforce the conservation easement in its documentation of annual monitoring inspections and the monitoring reports contain the required elements (see below).

Information on Documenting Monitoring

The organization must maintain written, annual documentation of the condition of the property, even if the organization drives or walks by or otherwise inspects the property on a regular basis. The documentation must be contemporaneous to when the inspection occurred.

If a conservation easement is on a property that is owned in fee by a public agency or another conservation organization, the organization still needs a record of annual monitoring. If the applicant shares its monitoring responsibilities with, or delegates them to, another entity (such as a public agency, a co-holder, other partner, etc.), the organization will need to have documentation of its own annual monitoring or will need to provide evidence of the annual monitoring inspections conducted by the other entity. Failure of one co-holder to monitor does not release the other co-holder from the responsibility.

Information on Required Elements of Monitoring Reports

A monitoring report must at least include the items below.

At first-time application and thereafter

- Identification of the specific conservation easement being monitored
- The date of the inspection
- The printed name and signature of the monitor
- Observations relative to the restrictions, reserved rights and conservation values recorded during the inspection

At renewal application and thereafter

- A description of the area that was observed during the inspection (such as the entire property, eastern boundaries and south road, etc.)
- Information that helps substantiate the monitor's observations (including substantiation of "no change observed")
- Observation of the conditions and context of the inspection, such as
 - Weather or ground conditions
 - Routes of travel
 - Means of travel (such as on foot, by car, etc.)
- A notation of any photos taken, their location, and the identity of the photographer
- Affiliation of the monitor
- Address of the monitor (if not organization staff)
- A notation of the presence or absence of the landowner or other party

Information on Aerial Monitoring

If the organization relies on aerial photography or imagery as part of its conservation easement monitoring protocol, the Commission will evaluate the organization's monitoring practice based on the scale of the project, the type of conservation easement, whether the organization's monitoring protocol was developed by a qualified professional, the quality of the data documented for the visual inspection, and whether the organization's use of technology is appropriate to its capacity.

It is acceptable for an organization to aerially monitor its conservation easements annually, if the organization does all of the following:

- Supplements the aerial monitoring with on-the-ground monitoring generally at least once every three years (depending on each conservation easement's particular circumstances)
- Has aerial photographs verifiable to a specific date
- Has aerial photographs that provide sufficient information to monitor the properties (including easily identifiable boundaries and restrictions appropriate to aerial monitoring)
- Keeps documentation of the monitoring
- Immediately follows up on any potential violations with an on-the-ground inspection

Documentation

At first-time application

- Preliminary attachment: Land Conservation Project List
- Application responses
- 11C1: Statement describing how the organization monitors its conservation easements
- 11C2: Evidence of how easement monitors are trained and evaluated
- 11C3: Template easement monitoring report
- 11C4: If the land conservation project list indicated there were gaps in the annual monitoring over the last several years, an explanation of the circumstances and how the organization addressed them (if applicable)
- Project Documentation
 - Monitoring reports from the last three years (or since date acquired if acquired within last three years)

At renewal application

- Pre-application: Land Conservation Project List
- Application response
- 11C1: Statement explaining the circumstances that resulted in any monitoring gap and how the organization has since ensured continued compliance with the practice (if applicable)
- Project Documentation
 - Monitoring reports from the last five years (or since date acquired if acquired within last five years)

- Other evidence of practice implementation (such as materials requested as part of the verification process)

Land Trust Alliance and Other Related Resources

- [Practice 11C](#)
- Standards and Practices Curriculum course, "[Conservation Easement Stewardship](#)" (chapters 3 and 4)