

General Monitoring Standards

A. Pre-monitoring, General

1. Determine how often monitoring for each easement should occur.

- For all easements, monitoring shall occur at least annually.
 - More frequent monitoring may be required, depending upon the terms of the easement and/or the activities planned (e.g., are there any special issues associated with the property that might require more-than-annual monitoring or is building about to occur pursuant to reserved rights?)
- Conflict of Interest - no one who is an owner of the property or has a direct interest in the property (financial etc.) can monitor their own property
- The frequency of monitoring shall be approved by the organization's Board of Directors or other appropriate governing entity.

2. Determine type of monitoring for each easement.

- For all easements, some on-the-ground monitoring will occur if the property is accessible by hiking or driving.
 - Aerial and float monitoring as the sole means of monitoring may be appropriate, but only for properties with limited access or for other compelling reasons pertaining to the nature of the property.
 - If the organization has determined it is acceptable to use an alternative to on the ground monitoring, a policy should be established regarding the types of monitoring and how often each will be used e.g. cannot aerially monitor or remote monitor more than once every three years.
- The type of monitoring to be used shall be approved by the organization's Board of Directors or other appropriate governing entity.

3. Determine appropriate outreach to each Landowner.

- Document how, when, and who gave a landowner appropriate notice, whatever the organization deems is appropriate.
- The organization provides written notice to the appropriate person (hereinafter "Landowner") that an inspection will occur, even simply confirming an oral agreement between the landowner and organization. (*Best Practice*)
 - Notice includes, if available, the name of the person who will conduct the monitoring, the monitoring date and time, the expected duration, contact information for the organization generally, and contact information for the person who will conduct the monitoring. The notice shall also encourage the Landowner to participate in the monitoring activities.

- Landowner shall be reminded of the monitoring date two weeks prior to and again on the day before the agreed upon date. (*Best Practice*)

4. Prepare for monitoring

- The inspector shall review the easement and all associated files (e.g., past inspection records, the baseline report, landowner correspondence, maps, photos) prior to monitoring the property.
 - Specific preparations will depend upon the size, character, and complexity of the easement and the familiarity of the inspector with the property.
- Notes shall be prepared from the file review indicating any past easement problems, unique attributes of or restrictions in the easement, and other useful information such as what areas of the property may be most likely to see easement violations.
- An inspection form shall be created for each easement.
 - In some cases, it may be appropriate to have a standard form for inspections, but some easements may require special treatment.
- If there are water rights encumbered by the conservation easement, the Division of Water Resources website should be reviewed and a copy of the water use should be shared with the landowner in order to confirm accuracy.
- The Colorado Oil and Gas Conservation Commission site should also be reviewed in order to determine if any new mineral development or leasing activity has occurred on the property. This information should be shared with the landowner during the site visit
- If there is a management plan required for the property, ensure that the land trust and the land owner revisit the plan regularly
 - If the project was funded by GOCO the plan is required to be reviewed every 5 years.

B. During Monitoring, General

1. Ensure the inspector uses a process that is adequate to determine easement violations and also assesses general property conditions.

- The inspection process should note the property's current conditions, even if not at odds with the easement's terms. Such records may be critical to establish a prior condition in case of a future violation.
- Photographs of buildings and other structures, views, natural features, woodlands, wetlands, water features, past problem areas, and high activity areas shall be taken.
- On-site the monitor views the features of the property which is subject to the interest's terms, and documents the visit with a report, photographs, and supporting documents.

- The monitor will carefully document any concerns for subsequent consultation with other staff or advisors.
- A significant function of the site visit is the opportunity it presents to check in with the property owner or site manager. This relationship is a key factor in the long-term success of any conservation interest. Ideally, a monitor will leave the property with an understanding of the landowner's current activities, and the owner or manager will be left with a renewed understanding of not only the terms of the easement or deed restriction, but also of the conservation values which are organization's reasons for holding it.
- If there were water rights encumbered by the conservation easement discuss the report that was printed from the Division of Water Resources site.
- During the site visit document water use and water structures as they relate to the conservation easement terms.
- Have a discussion regarding mineral development on the property and in the area. If there was anything new or different on the COGCC website discuss with the landowner during the site visit.
- The monitoring report includes at a minimum:
 - Contact information - check with landowner to make sure current
 - The monitor should record direct observations
 - Another section should provide the landowner report, which includes any activities that have impacted the property since the last inspection and plans for future projects for the upcoming year.
 - Document changes to infrastructure, management problems, other activities relevant to the conservation easement and a summary with recommendations.
- Protocol when a potential violation is discovered during the monitoring visit:
 - If a potential violation is discovered on site, gather as much information as possible while in the field
 - Do not make a decision on site regarding the potential violation.
 - After the site visit, work with your organization to assess the situation and make a determination once all of the information is gathered and reviewed.

C. Post-Monitoring, General

1. Follow up with the Landowner.

- The inspector shall follow up with the Landowner to let him or her know the inspection has been completed and to discuss the results. This follow-up shall address any questions the Landowner had during the site visit.
- If there is a management plan required for the property, ensure that the organization and the Landowner revisit the plan at least every other year.

- If GOCO funded the project, the plan shall be reviewed every five (5) years.

2. Ensure adequate retention and safety of files.

- Completed inspection forms and other easement-related documents shall be kept on file for future reference.
- Files should be backed-up so that a catastrophic event will not decimate the history of the property.

Landowner Relations

Checklist for landowner relations

- Communicate with landowners to remind them of the upcoming monitoring season and annual site visit.
 - Some organizations send out reminders to each landowner of what rights required prior approval from the organization as part of the spring letter, prompting conversation and interaction with landowners who were planning projects for the spring, summer and fall.
 - Some organizations use their stewardship newsletter for this notification and reminder.
- Follow up with the landowner on any questions they had during the site visit.

Ideas and Suggestions

- If there are community events held by the land trust invite the landowners!
 - If there are not currently events, thoughtfully create some type of gathering – annual BBQ in summer or chili gathering in winter.
- Send the landowners copies of newsletters or state director letters regularly.
- Offer ranching exchanges for landowners to share information and best practices.
 - This is also helpful when working with new owners who are considering placing conservation easements on their properties.
- Provide landowners with resources and information such as best management practices on invasive species or information on state regulations regarding oil and gas development and surface owner rights.
- Send landowners holiday cards.
- Have an annual award for landowners who are doing something above and beyond on their property to acknowledge and thank landowners
 - For example a restoration project or a new grazing regime that benefits biodiversity.