

Easement Program Conservation Easement Monitoring Guidelines

The following guidelines for the monitoring of WAC CEs are established by the Easement Program Easement Committee to establish standards and practices associated with the regular monitoring of WAC easements on easements purchased with funds provided by the NYCDEP as well as donated conservation easements.

1. Purpose of Monitoring

Regular monitoring of Watershed Agricultural Council (WAC) conservation easements (CE) is necessary to ensure that:

- A. The terms and conditions of the easement agreement and any activity approvals are being adhered to by landowners.
- B. There is good communication between WAC and easement landowners.
- C. Monitoring requirements are met pursuant to the contract with NYCDEP
- D. The conservation purposes are being maintained under Section 170(h) of the Internal Revenue Code.

2. Monitoring Schedules

- A. Before conducting monitoring of a WAC CE encumbered property, Easement Program staff will create an annual monitoring calendar to establish a monitoring schedule for all properties encumbered by a WAC CE's.
 - 1. The calendar will include monitoring visits for CEs expected to close in the first six months of the calendar year.
 - 2. New easements that close in the last sixth months of the calendar year may be scheduled for their first ground monitoring visit the following calendar year as long as the first ground monitoring visit occurs within six month of the closing date.
- B. Within 20 days of the beginning of each calendar year, an annual monitoring calendar that identifies the type of visit and anticipated inspection date for each Easement Property, including inspections that will be done with NYCDEP. The calendar will be based on a calendar year and identify properties encumbered by a WAC CE to be monitored by month.
- C. NYCDEP staff may accompany WAC staff on up to 20 percent of the annual inspections as indicated on the annual monitoring calendar and described in the contract between WAC and DEP..

3 . Number and Types of Monitoring Visits

A. All WAC CE properties encumbered by an easement using DEP funds will be monitored twice annually. Donated Easements will be monitored once annually via a ground monitoring visit. For Purchased Easements, WAC stewardship staff will conduct at least one annual ground monitoring visit and/or one annual aerial monitoring fly-over of each property. For properties that cannot be inspected via aerial monitoring , two ground monitoring visits will be conducted.

- 1.All Easements shall have an initial ground monitoring visit within 6 months of the closing date .
- 2.For easements that close after July 1st, and appear on the annual monitoring calendar, only one visit is required and that shall be a ground monitoring visit.
- 3.Easements with a history of violations or many approved reserve rights may receive two ground monitoring visits annually determined at the discretion of the Easement Program Manager.

4. Monitoring Visits and Monitoring Reports

A. The purpose of monitoring inspections shall be to determine whether the terms and conditions of the easement, and any activity approvals are being adhered to by the landowner. Monitoring of the Whole Farm Plan and determining if the landowner is farming in Accordance with a Whole Farm Plan will done independently of the ground monitoring visit via an Annual Status Review by the Agricultural Conservation Planner.(section 5)

B. Activities associated with Inspections of the Easement Property shall include, but not be limited to; a review of the stewardship file , review of Baseline Documentation report , applicable survey and baseline documentation, review of Deed of Easement, review of previous monitoring reports, activity approvals, past violations, Whole Farm Plans ; a ground traverse and visual examination of the Easement Property, and an interview with the grantor of the Easement concerning recent and planned activities for the property.

C. The details of each inspection shall be recorded in a Monitoring Report (Attachment "A").

D. Before monitoring each Easement WAC staff shall: .

1. Send letters to all landowners that will have their properties monitored in the upcoming quarter , notifying them that they will be contacted prior to the ground monitoring visit.

2. Send a letter, make a telephone call or email landowners at least 1 week prior to conducting an actual monitoring visit, notifying them that a monitoring visit is scheduled for their property. Landowners will be invited to participate in the monitoring visit.
3. Prepare for monitoring inspections, by reviewing all stewardship files, and the Baseline Documentation Report as well as database information to ensure it is current and accurate.

E. During a Ground Monitoring Visit , WAC staff shall:

1. Physically inspect the property to determine adherence to the terms and conditions of the Easement. Inspections shall include boundary line inspections and maintenance, as well as meeting with each Grantor when possible to discuss recent and planned activities and any other issues that may have arisen for the respective Easement Property.
2. Complete the Ground Monitoring Report (Attachment "A") for each WAC CE encumbered property during all ground monitoring visits.
3. Complete the Aerial Monitoring Report (Attachment "B"). for each WAC encumbered CE during all aerial monitoring flights.
4. Complete an Allocation Tracking Form to ensure the landowners retained rights (additional tax Parcels, new residences, Agricultural Structure Square Footage, Recreational Structure Square Footage, FADAs) are current and accurate (Attachment C) .

F Monitoring reports will be finalized for each property upon completion of a monitoring visit and copies of a report for each property will be submitted to the NYCDEP on a quarterly basis.

G Grantors will be sent a letter summarizing the results of the ground monitoring visit and the content of the ground monitoring report. Landowners should not be sent a copy of the ground monitoring report.

H. Copies of monitoring reports will be placed in the respective properties' stewardship files and the Black stewardship binder,.

5. Monitoring of Whole Farm Plans

- A. The Easement Program Agricultural Conservation Planner , shall review the status of the design and implementation of Whole Farm Plans on all Easement Properties, on an annual basis
- B. Prior to the beginning of the calendar year, the Easement Program Manager and Easement Program Agricultural Conservation Planner will coordinate with the Agricultural Program Manager to develop of schedule Annual Status Reviews to be conducted on farm properties with conservation easements.
- C The Agricultural Conservation Planner will create a Annual Status Review Calendar based on the calendar year that lists the properties by month
- D The Agricultural Conservation Planner, utilizing the Agricultural Program's Annual Status review Form (Attachment D) shall determine whether the most current Whole Farm Plan satisfactorily addresses all water quality issues or whether a revision or new Whole Farm, Plan shall be necessary.
- E WAC shall update and/or revise a Whole Farm Plan whenever there is a significant change in the operation of an Easement Property or the WFP has a negative impact on water quality, or if there has been a change of ownership of the Easement Property.
- F The Agricultural Conservation Planner shall notify the Easement Program Manager of any properties requiring revisions, updates to the WFP or new WFP. The Easement Program Manager will notify the Agricultural Program Manager of easement encumbered properties that require revisions ,or updates to the WFP or require a new WFP. Both program managers will work with the Executive Director to allocate resources necessary to complete all revision, updates or new WFP.

6. Potential Violations Identified During Monitoring

- A. WAC shall take all appropriate steps available to resolve and correct any and all violations of the Easement of which WAC has become aware.
- b. WAC staff shall follow the process of notifying a grantor of a violation as identified in the Violation's clause of the grantor's easement.
- C. Violations for WFPs will be determined using the Easement Program Violations Guidelines and via consultation with the WAP Whole Farm Planner.
- D. WAC Staff will immediately notify the easement Program Manager of any actual or potential violations identified during a monitoring visit to a property. The

Program Manager shall determine the appropriate action necessary to resolve the violation as outlined in the Easement Program **Violation Guidelines** as well as the grantor's Deed of Conservation Easement.

7. Post Monitoring Visits – Reserved Right request and Updates to the BDR

A. All reserved rights requests identified during monitoring visits will be processed consistent with the terms and conditions of the conservation easement and all relevant policies and guidelines of the Easement Committee when addressing Grantor requests for approval of activities under the terms of a respective Easement.

B. All stewardship activities identified by WAC staff during monitoring visits, such as reserved rights requests, amendment request, technical support, violations, notifications (such as conveyances, leases, as of right uses) will be tracked by property on a spreadsheet and/ or database and compiled annually. Such compiled data will be utilized for the publication of an annual Stewardship Report to quantify all stewardship activities occurring on WAC easement encumbered properties..

C. WAC stewardship staff will send landowners a letter after a monitoring visit as been conducted. The letter will review and describe any issues, violations, requests or notifications identified during the monitoring visit as well as establish a prescription and time frame to address any outstanding violations or activities.

8. Updating Baseline Documentation

A. WAC shall update baseline documentation whenever necessary, including but not limited to, when an Easement Property has been subdivided or sold, or amended.

- 1 In the event that a property is subdivided and conveyed or an existing tax parcel restricted by a WAC Conservation Easement is conveyed from an original grantor easement, a new Stewardship Binder (black binder) must be created for the new property and the Stewardship binder for the original grantor easement must be modified to reflect the reduction of acreage to the original grantor easement.
- 2 Content for Stewardship Binders for newly created properties restricted by an original grantor easement shall include the following:
 - a. 8 1/2 x11 Ortho Map depicting boundaries of original grantor easement and boundaries of new property

- b. New Baseline Documentation Report describing all use areas, allocations (new residences, additional tax parcels, agricultural structure square footage, recreational structure square footage), inventory of structures. Report must state that property is restricted by an original grantor easement. Report must be signed by new landowner.
- c. Copy of original grantor Deed of CE
- d. Copy of Deed of conveyance assigning retained and reserved rights (subdivisions, residences, agricultural and recreational structure square footage)
- e. Copy of Whole Farm Plan (WFP) or WFP2 Appendix listing WFP BMPs located on property.
- f. New Photo point Map of property
- g. New Photos of property that correlate with the Photo point Map

Staff Standard Operating Procedures:

1. Draft Monitoring Schedule

- A. Easement Program Manager (PM) and Stewardship Specialist run report from Data Base to identify all closed properties. Report will identify all properties, easements and Whole Farm Plans (WFP).
- B Stewardship Specialist drafts schedule on spreadsheet that list properties for monitoring by month, identifying months for both ground and aerial monitoring. Properties should be grouped together by geography and spread out equitably over the calendar year.
- C New easements that have never been monitored get scheduled first – DEP contract requires monitoring visit within 6 months closing.
- D. Draft schedule should be brought to committee for review and consideration of content at the December Committee Meeting.

Documents

_ Monthly schedule of landowners on spreadsheet

2. Draft Monitoring Letter

- A. Stewardship Specialist drafts, prints, signs all pre -monitoring letters, o a quarterly basis notifying landowners of both ground and aerial monitoring
- B. Executive Assistant enters date letter was sent into database
- C. EA will sort, stamp, send pre-monitoring letter; places copy in stewardship file
- D Letter sent two weeks prior to quarter that landowner is scheduled for monitoring visit based on monitoring schedule.

Documents _

Letter from Stewardship Specialist

3. Schedule Site Visit / Pre Monitoring Activities

- A. Stewardship specialist schedules monitoring visit with landowner based on monitoring schedule via telephone or email
- B. Prior to monitoring visit , Stewardship Specialist reviews:
 - 1. Baseline report (black binder) to ensure it is current; ensures all documents such as property map,(aerial photo map depicting easement) baseline report.
 - 2. Binder for conveyed or subdivided properties should include all deeds and reflect all changes corrections, revisions resulting from conveyance or subdivision.
 - 3. Binder to ensure it include most current WFP
 - 4. Reviews data base and ensures data is correct and up to date
 - 5. Reviews stewardship folders to look at history of stewardship activity; checks to see if there are any outstanding stewardship issues such as open previously approved reserved right requests.
 - 6. Checks to see if allocations in deed of CE for agricultural structures, recreational structures, residential dwellings, subdivisions are current and correct and appropriate supporting documentation is filed at county and placed in stewardship folder to reflect most current allocations to a property (i.e deed changes are documented).
 - 7. Ensures WFP or FMP is current (FMPs must be renewed every ten years).
 - 8. If deficiencies in WFP/FMP or allocations are found, Stewardship Specialist identifies deficiencies in Spreadsheet and reports to Program Manager and works on plan to resolve outstanding issues.

Documents

_ Property/Easement/WFP Spreadsheet

4. Conduct Sites visit

- A. LCS visits property and conducts site visit.
 - 1. Ground traverse of property – checks against baseline report and original ortho- aerial of property.
 - 2. Review and complete monitoring report with landowner when possible (Attachment “A”)
 - 3. Discussion of proposed and/or approved activation of reserved rights or other issues/activities.
 - 4. Discuss Allocation (Agricultural, Recreational, subdivision, residences) and indicate amounts remaining on Allocation tracking Form (Attachment “C”).

Documents

- _ Monitoring Report
- _ Annual Status Review (ASR) – for applicable properties

5. Monitoring Visit Follow Up

- A. Stewardship specialist reviews monitoring report with Program Manager – reviews land plan map against monitoring report.
- B. Stewardship Specialist gives hand written report to EA for data entry; EA types up report .
 - 1. LCS Follows up with any activation of reserved rights (work requests that emerge from monitoring)
 - 2 Follow up on any violations that emerge from monitoring visit- see process for violations as defined in SoW and CE
- C. EA files copy of report in baseline folder, original in fireproof safe, and sends copies to DEP and WAG on a quarterly basis.
- D. Stewardship Specialist writes thank you letter to Land Owner ; letter identifies any issues, work requests or violations and proposes appropriate course of action an timeframe.
- E. EA mails land owner Thank You letter (from Stewardship Specialist) and files in Stewardship folder
- F. Program Manager runs Comprehensive Monitoring Report to see which properties have been monitored and which still need monitoring and reconciles with monitoring schedule.

Documents

- _ Thank you letter to land owner

1. **Description of monitoring activities completed during visit:**
2. **Description of photos taken:**
3. **Comments for next inspection:**

MONITOR(S) PRESENT:

LEAD MONITOR SIGNATURE:

Attachment "B"

AERIAL MONITORING REPORT

1. **Flight Date:**
2. **Farm Name:**
3. **Town:**
4. **Current Owners:**
Address:
Telephone:
5. **Were aerial monitoring photos taken?** Yes No
6. **Have there been any apparent new activities since the last monitoring report?** Yes No
If yes, explain:
7. **Did you note any possible violations of the terms of the conservation restriction?** Yes No
If yes, explain:
8. **Remarks:**

MONITOR:

DEP ID:

Attachment "C"

Watershed Agricultural Council - Easement Program
Deed of Conservation Easement - Allocation Tracking Form

Landowner Name: _____
Easement Name: _____
DEP ID #: _____
Original Grantor: _____
Other Information: _____

Allocations: **Permitted Original Grantor:** **Conveyed to:** **Conveyed from:** **Utilized:**
Remaining:

-Future Acceptable
Development Area (FADA)

-Agricultural Building
And Improvement

-Residential Dwellings
-Recreational Building
And Improvement

-Subdivisions
(Additional tax parcels)

NOTES:

Allocations listed above indicate the remaining permitted allocations associated with this Deed of Conservation Easement at this time. Should a conveyance occur, these allocations are required to be distributed accordingly in the respective deed(s).

Landowner Signature: _____ Date: _____
WAC Representative Signature: _____ Date: _____

Attachment "D"

**Watershed Agricultural Council/Watershed Agricultural Program
Annual Whole Farm Plan Status Review -- 2010**

Date: _____

Landowner: _____

Producer: _____

Farm Number: _____

Reviewer: _____

Planner: _____

Plan revision needed <input type="radio"/> Immediate action required, see

Type of Status Review: Basic Comprehensive Verification (complete verification form)

1. Have there been any changes in the farm's land resources (owned or rented) in the past year? Yes No
(If yes, please complete table below.)

Tract and Field, or Tax Parcel No.	Acres	Current use	Owners (please list full name, address and phone, if possible.)	Owned or Rented? (circle one)	Added or Deleted? (circle one)
				Owned or Rented	Add or Delete
				Owned or Rented	Add or Delete
				Owned or Rented	Add or Delete

Comments:					

2. Has the future mission (goals) of the farm business changed for the next 1 - 5 years?

Yes No

(If yes, please explain)

3. Does the Whole Farm Plan (WFP) address all of the potentially negative water quality impacts of the farm operation? Yes No (If no, please explain)

4. Are all implemented BMPs working effectively? (For a Comprehensive Status Review, list and evaluate all implemented BMPs). Yes No (If no, please complete form below)

6. Is a revision of the WFP needed (including BMP scheduling)? Yes No
(If yes, please explain)

Animal inventory

	Species (circle one): Dairy Beef Sheep Goats Hogs Horses Other:				Species (circle one): Dairy Beef Sheep Goats Hogs Horses Other:			
	Number	x	Weight (lbs)	= Total (lbs)	Number	x	Weight (lbs)	= Total (lbs)
0-3 months								
4-6 months								
6-12 months								
12 months To mature								
Mature								
Other:								
Total								

	Species (circle one): Dairy Beef Sheep Goats Hogs Horses Other:				Species (circle one): Dairy Beef Sheep Goats Hogs Horses Other:			
	Number	x	Weight (lbs)	= Total (lbs)	Number	x	Weight (lbs)	= Total (lbs)
0-3 months								
4-6 months								

7. Are there issues/comments about the program that the farmer would like to discuss and have forwarded to the Watershed Agricultural Council? Yes No (If yes, please explain)

8. Reviewers comments:

The Watershed Agricultural Council (WAC) has a strong commitment to effectively communicating with our program participants. Correspondence by e-mail allows us to provide timely program updates and to inform you of new opportunities. Your e-mail address will only be used within the Watershed Agricultural Council and its programs unless further permission is obtained. The WAC does not sell or rent e-mail addresses to anyone outside these programs.

Email Address: _____

Signature: _____

Date

Print Name: _____

Landowner/Producer

Reviewer

=====

=====

**Verification Review Form
Inactive Farms**

1. Are there agricultural activities presently being conducted on the farm? Yes No, it is inactive.
(If yes, please describe the activities are taking place)

Crops:

Animals:

Land Utilized:

Other:

**Watershed Agricultural Council/ Watershed Agricultural Program
BMP Operations and Maintenance Report -- 2010**

Date: _____

Landowner: _____

Producer: _____

Farm Number: _____

Reviewer: _____

Planner: _____

I. Operations and Maintenance Concern:

II. Action Plan:

A. Farmer action to address Operations and Maintenance concern:

B. Technical assistance needed from WAP to address Operations and Maintenance concern:

C. Date for completion of the action plan: Immediate or Completion Date:

Signature: _____

Print Name: _____

Landowner/Producer

Reviewer

Date

Final Completion of O&M Remediation: _____
Reviewer Signature Date

