

# Litchfield Land Trust

SAVE THE LAND  
SHARE THE RESPONSIBILITY




WEANTINOGE  
HERITAGE LAND TRUST

## A MESSAGE TO OUR VOLUNTEERS

Thank you for volunteering your time for Litchfield Land Trust (LLT). As you visit our easements and preserves, we hope you will come to know Litchfield's green spaces better, find pleasure and take pride in your work in protecting natural lands and open spaces. You are an invaluable resource to LLT as you are on the frontlines of land conservation.

LLT depends upon you, our volunteers, to visit our preserves and easements on a regular basis and ensure that their important resources are flourishing, that there are no issues for which LLT could be liable, that any easement violations are documented and staff alerted, and that the boundaries are being respected. Our volunteers are also representatives of LLT to landowners and to the public. This is a vital responsibility because it demonstrates that the Litchfield Land Trust and its members care deeply about land conservation and that we are doing our utmost to protect and maintain our natural areas.

The Litchfield Land Trust Board and staff thank you for your commitment to the organization and to the incredible natural beauty in Litchfield that LLT protects for everyone's benefit.



Stewardship Chairman      President

## ABOUT THIS MANUAL

This manual lays out the responsibilities of Volunteer Monitors for Conservation Easements and Preserves and offers guidance on how to respond in certain situations. **Read through it thoroughly** and use it as a reference as the need arises. Please review in particular the sections on documentation, property boundaries, and safety. A sample Monitoring Reports is attached. Promptly send the completed Monitoring Report to the office after every site visit. If you are interested in training opportunities—like GPS, plant identification, trail work, etc.—please contact the land trust.

### A NOTE ABOUT PAPERWORK

Although none of us like doing paperwork, it is critically important for several reasons:

- to document the progress and changes that are made to and occur on each property.
- to document the many hours that volunteers generously dedicate to Litchfield Land Trust. We use these hours to quantify and demonstrate to our board and potential funders the breadth of our volunteer support. *Hard numbers are very convincing.*
- **volunteer hours often can be used as “matching funds” for grants, making LLT applications more competitive;**
- it is a requirement of the Land Trust Alliance to document annual monitoring visits;

With your cooperation in thoughtfully, promptly, and accurately completing the Monitoring Reports, we will have the necessary information. **It is critical that these forms be turned in as soon as possible.** LLT will accept the forms by email, US Mail, and hand delivery. A blank copy of the forms can be emailed to you.

Submit forms:

By email: [info@litchfieldlandtrust.org](mailto:info@litchfieldlandtrust.org)

By mail: Litchfield Land Trust, P.O. Box 712, Litchfield CT 06759

Hand Delivery: Our office is at 7 West Street, Litchfield, 3<sup>rd</sup> Floor

**Thank you for your prompt cooperation with this important task.**

### PHOTOGRAPHY

LLT can always use more photographs for our newsletters, website and other publicity purposes. If you notice an appropriate subject on one of our properties for a memorable or illustrative photograph, record it and send it to the office. Note the location, date and your name so that we can give appropriate credit when we use it. Thank you!

## SAFETY FIRST

Your safety is LLT's first priority. We want to ensure that you are able to perform your responsibilities in a safe manner. That is why we expect that you will follow these guidelines when you are volunteering on your preserve.

- DO let someone know when you are planning to spend time on a property and how long you expect to be there.
- DO bring a charged cell phone.
- DO wear appropriate clothing when doing field work.
- DO take precautions against ticks, including long pants, spraying at least your shoes and pants legs with bug spray, and carefully checking yourself upon returning home.
- DO stay away from all wild animals, and report suspicious activity of any potentially rabid animal to the LLT Staff and/or your local animal control authority.
- DO perform a "tick check" after spending time in the field.
- **DO NOT put yourself in an uncomfortable or dangerous situation** with people or animals.
- DO NOT consume any alcohol, drugs, or medicines that might impair your ability to work safely while in the field.
- DO NOT carry a firearm while volunteering for LLT.

# **CONSERVATION EASEMENT MONITORING**

## INTRODUCTION TO CONSERVATION EASEMENTS

Volunteer monitors serve as the “eyes and ears” for Litchfield Land Trust. As a volunteer conservation easement monitor, you will be part of a collaborative effort involving landowners and the Land Trust. Duties include monitoring the terms of conservation easements on privately owned protected properties throughout Litchfield. Volunteer monitors have several important responsibilities, including:

- Completing on-the-ground inspections of protected properties and documenting any changes on the landscape or alterations to man-made features with photos and written comments.
- Cultivating positive relationships with landowners and directing questions or concerns landowners may have about their easement to the Land Trust.
- Helping to keep monitoring records and conservation easement files updated.
- Discussing your observations with your Land Trust partner.
- Enjoying the outdoors and having fun in our beautiful town!

## EASEMENTS, BASELINE DOCUMENTS, AND MONITORING

Conservation easements are crafted to protect a property’s conservation values in perpetuity. IRS regulations specify that an organization must have a commitment to protecting the conservation purposes of an easement or the organization risks losing its ability to accept further conservation easements.

A **Conservation Easement** is an agreement between a private landowner and the land trust to permanently restrict the landowner’s property to ensure certain conservation values are protected. The easement may cover all or a portion of the land in question, and generally prevents development and significant manmade alterations to the land. The land trust’s responsibility is to ensure that the terms of the conservation easement are being upheld, generally through regular monitoring and outreach to the landowner(s). If there is a documented violation, the land trust will pursue remedies to resolve the violation and restore the property if necessary.

A **Baseline Documentation Report** (BDR) is a descriptive record of the conservation easement property from the date of the granting of the easement. Through maps, photographs, and text, the BDR shows what the land looked like when the easement was granted. Visitors to the property can then compare current conditions to the baseline and determine when and where any significant changes occurred that might have an impact—positive or negative—on the conservation values. The BDR is helpful in determining how to restore an area that may have experienced a violation and can be a critical document during an enforcement action.

**Monitoring** is the regular inspection and documentation of the condition of a protected property. It is usually completed in person by walking the property. Monitoring visits are documented in writing and with appropriate photographs.

The aim of monitoring is to determine whether any changes—natural or man-made—have occurred on a property over time so that the Trust can ensure that the terms of the conservation easement are being upheld. Equally important, regular monitoring helps to maintain a continuous positive relationship with the landowner(s). The keys to preserving the conservation values of an easement and preventing violations are:

- **A program of regular (at least annual), systematic, and well-documented monitoring.**
- **Good record-keeping.**
- **A positive relationship with the property owner and the community.**

**Discretion** is important. Even though LLT holds a conservation easement on a property, it remains privately owned. And although LLT's conservation easement agreements provide visitation rights for the purpose of monitoring, they do not contain provisions permitting public access to the property. Therefore no one other than the members of the LLT board, a trained monitor, or an authorized representative of LLT should accompany you on an annual inspection. Any observations you make and/or report to LLT is to be considered confidential information collected for the purposes of fulfilling LLT's duties as conservators.

## **INSTRUCTIONS FOR CONSERVATION EASEMENT MONITORING**

### **Before the Inspection**

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(1) In the first quarter of each year, the Land Trust office sends a letter to each landowner updating him/her on the Land Trust's accomplishments, the reasons for the monitoring inspection visit, and alerting the landowner that a volunteer monitor will be contacting them to arrange an inspection in the upcoming monitoring year.

(2) The monitor picks up the **Monitoring Folder** for their property from the LLT office. These binders include the following:

- ♦ General landowner contact information and directions to the property.
- ♦ Blank monitoring forms
- ♦ A copy of the baseline documentation and property maps.
- ♦ Copies of prior annual monitoring reports.
- ♦ Copies of any other documents relevant to the property and/or owner.

(3) **If so indicated in the Monitoring Folder**, contact the landowner to let him/her know when you will be visiting, or to schedule a mutually convenient time if the landowner is interested in meeting you or accompanying you on your visit. Not only is this a great way to establish a cooperative relationship with the landowner, but the landowner is often the one who knows the property best and can point out potential problem areas (e.g., boundaries). Remember to take notes about your conversation with a property owner or representative on the monitoring form.

(4) **Review the conservation easement** reserved rights and restrictions, past monitoring reports, recent correspondence with the landowner, and other materials included in the Monitoring Folder. Ask your LandTrust stewardship partner if you have any questions.

(5) **Set monitoring priorities** with your LLT stewardship partner ahead of time (e.g., boundaries, existing access or utility easements, building sites, stream habitats, etc.). Take difficulty of terrain and distance into consideration when planning your route and length of time for your monitoring visit.

(6) **Bring the right stuff:**

- Camera + extra batteries (or use your cell phone camera—charge it!)
- Directions
- Monitoring forms
- Clipboard or equivalent
- Pens/pencils + extra
- Bug spray for ticks
- Charged cell phone
- Bags to use during wet weather and for picking up trash
- Food and plenty of water
- “Volunteer Monitor” sign for car
- Clippers/hand pruners
- CT DEEP’s Fluorescent Orange Recommendation: “From September 1 through the last day of February...wear at least 400 square inches of fluorescent orange or bright yellow clothing above the waist and visible from all sides. An orange hat, in addition to a coat or vest, is strongly recommended.”
- *GPS unit + extra batteries if you know how and are comfortable using*

## **During the Inspection**

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(1) Your route will depend on the property. For properties without established photo-point monitoring routes, **walk the property boundary first, and then inspect the interior.** Experienced easement holders report that most easement violations occur at the boundaries, e.g., by trespassing, and often without a property owner’s awareness. Inspect as much of the interior as is practical. Focus on areas of recent activity, such as construction, earthmoving,



digging, clearing, tree cutting, etc., indicative of changes in land use. If property size, remoteness, or topography makes it impractical to walk the entire property, vary your annual monitoring routes so that a different portion of the property each year is covered, and so that the entire property is seen on a rotation of every 2 years. LLT will assist you with identifying a route.

(2) **Document current conditions.** Compare current conditions with those documented in past monitoring reports and photos (if available). As thoroughly and objectively as possible, document all observed natural and human-caused changes on the property. Complete the monitoring report provided in the monitoring binder. If you suspect an easement violation, record this and any other concerns, as well as speculations, on the monitoring form. Use photographs and copies of property maps to document any major changes in property condition or land use.

### **Completing the Monitoring Report**

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(1) **Completely fill out your monitoring reports within 2 weeks after completion of your inspection.** The longer you wait, the more you might forget!

(2) Remember to keep your observations on the monitoring report as objective and factual – but still thorough – as possible. If you have concerns that the land trust staff and board should address, please note these concerns, and issues.

(3) **Sign, and date, all documents: the monitoring report, map, any photos you print.**

(4) **Return your completed report, and all accompanying documentation, to the Land Trust office as soon as possible.** Our timely response to potential violations depends upon the timely completion of your report. Please return the Monitoring Folders so that we can keep them updated and prepare them for the following year's inspection. Make notes of any changes that need to be included in the files (new phone numbers, change of owners etc.)

(5) The LLT board and staff will review each monitoring inspection report. Those that report no easement violations or other concerns will be filed at the LLT office and a short letter sent to the landowner. Reports with expressed concerns or otherwise suspected easement violations will be further reviewed by the Stewardship Committee. A plan will then be decided upon for addressing these concerns and assessing whether or not a violation has occurred.

## SPECIAL INSTRUCTIONS: DOCUMENTING ISSUES

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**If you encounter a potential issue in the field:**

**(1) Document the issue.**

- Take as many photographs and try to quantify the issue as well as possible to identify the problem and mark locations on a map. If you are GPS savvy, establish a waypoint or obtain a location. If photos aren't possible, be sure to record detailed observations of the potential problems on the monitoring report form ASAP and inform Land Trust staff when you get back from your visit.
- Determine the cause of an observed issue, if possible. (Force of nature such as wind, erosion, fire or insects; landowner, property manager or tenant; third party violations such as neighbors)
- Note any remediation or work in progress or that has already taken place.

**It is critical for volunteers not to confront or accuse the landowner of any wrongdoing at the time of the visit. YOUR RESPONSIBILITY IS DOCUMENTATION ONLY! Please remember this at all times. The land trust will use your documentation and its experts and attorneys to determine if a violation has taken place and how to address it.**

**It is NOT a volunteer's job to do any of the following:**

- Interpret the terms of the conservation easement for the landowner. Direct any questions the landowner may have about the easement to the Land Trust staff.
- Approve or disapprove any future plans or reserved rights the landowner may wish to discuss.
- Accuse the landowner of violating the terms of the easement.
- Carry out any kind of mediation or enforcement action regarding a violation.

**(2) Notify the Land Trust As Soon As Possible.**

Report the issue or violation to Land Trust staff or board as soon as possible.

**Violations that are obvious (new building in non-development zone) or are in progress (grading, tree cutting) should be reported immediately.** Staff/board will review the situation with the monitor.

**GET THE MONITORING FORM, MAP, PHOTOS, NOTES to as soon as possible (within 48 hours) so the organization can act quickly.**

**NATURE PRESERVES**  
**(Land owned by Litchfield Land Trust)**

## ANNUAL PRESERVE MONITORING:

All preserves will be actively monitored to prevent misuse, to observe the natural succession, and to evaluate management

How often? At least once (~~4x~~) per year—spring before leaf out or fall after leaves drop.

Duties:

- Boundary line inspection. LLT will ensure that Preserve Monitors are provided with up-to-date maps and new stewards will be shown the boundaries by someone familiar with the property. Boundaries may be marked with diamond-shaped markers placed roughly 100-200 feet apart.
- Preserve Monitors should walk the entire boundary of their preserve at least once per year (Fall or Spring) and
  - Document any suspected encroachment (removing/adding vegetation, rocks, fences, signs, trash dumping, planting of invasive exotic plants near or across boundaries) with photographs and GPS if possible (see notes on documentation below) and promptly notify LLT.
  - Make particular note of major dumping, and if there is any evidence of the responsible parties, document evidence with notes and photographs.
- Other monitoring duties.
  - Inspect trails, bridges, parking areas, roads and other important areas or features on LLT property.
  - Note any needs for improved trail blazing.
  - Immediately report to LLT staff or the Stewardship Committee any dead/dying trees near trails, erosion, or other potential threat to visitors, volunteers, and/or significant resources.
    - Note hazard(s) on the inspection report.
    - Only people authorized by LLT may remove hazardous trees or other potential threats. This is not the responsibility of preserve monitors.
  - Promptly notify LLT of any damage that requires immediate attention and note evidence of damage on the inspection report.
    - Work with LLT to attempt to identify responsible parties.
  - No LLT properties are open to hunting. Report evidence of hunting, shooting, etc. to LLT. Record location of hunting stands.
    - Camping and fires are prohibited on LLT properties. Remove evidence of camping activity to discourage future campers.

## ONGOING PRESERVE STEWARDSHIP

### BOUNDARY MARKERS

Maintain and replace boundary markers as needed. Install on living trees; use galvanized or aluminum nails in living material. Do not sink nails all the way—leave approximately 2-3” of nail exposed to account for tree growth. Place markers 7 feet or higher to deter vandalism. Space signs at approximately 100-foot or line-of-sight intervals. Position markers as close to the boundary line as possible, making sure to stay on LLT’s side of the boundary.

### MAJOR STORM RECONNAISSANCE

As the past few years have shown, we should be prepared to act in the event of a large storm or other natural disaster. In the case of these large scale events LLT preserves should be monitored as soon as the event has passed and it is safe to venture outside. **Extreme caution should be taken upon entering the woods just after these events.**

- Walk the trails and other publically frequented areas first.
- Identify hazardous areas. If you feel the preserve should be closed temporarily, notify LLT immediately.
- If there are hazardous conditions that you are unable to address, notify LLT and the organization will determine how to address the issue.
- **DO NOT PUT YOUR HEALTH AND SAFETY AT RISK**
- Remember to complete a monitoring report after your visit and submit to LLT. *Monitoring Reports* should reflect the damage caused as closely as possible, using maps and photos to relay how much preserve land was affected and where.

### REPRESENTING LLT

As a Litchfield Land Trust volunteer, you have an opportunity to interact with the public. To the extent you are comfortable doing so, LLT encourages you

- to share your positive experiences as an LLT volunteer;
- to answer questions about your preserve;
- to pass out LLT materials including newsletters, and preserve maps (LLT will provide copies);
- to remind visitors politely and tactfully about the preserve rules (especially as they relate to dogs, hunting, and motorized vehicles);
- to recruit additional volunteers. If someone is interested in volunteering, please get their contact information and encourage them to contact LLT. Please give LLT their information so we can reach out to them as well.

## LLT PRESERVE RULES

Visitors are asked to stay on the marked and blazed trails. Hiking, cross country skiing, horseback riding, photographing, and bird watching are encouraged. Trails are marked by blazes painted on trees. Use of trails is at user's own risk.

Hunting is not permitted on LLT preserves.

Group visits by schools, clubs, scouts and others are welcome. All youth groups must be under the guidance of an experienced leader.

All dogs must be under their owner's control and leashed weekdays between 9am and 4pm and at all times on week-ends and major holidays.

NO MOTORIZED VEHICLES are allowed except as needed for approved maintenance

## INVASIVE SPECIES MANAGEMENT

Invasive species—particularly plants--have become common locally and in many of the LLT preserves. In fact, some are ubiquitous and severely impact habitat by displacing and overwhelming native flora. Invasive flora change the makeup and "structure" of habitat; in some instances they form a "monoculture" with little diversity. In others, they kill desirable vegetation.

More common invasives include vines such as Oriental bittersweet, shrubs like barberry, winged euonymous, multiflora rose, and autumn and Russian olive, and flowers such as garlic mustard, black swallow wort, and purple loosestrife.

You can make a positive impact by working to eliminate invasive species. However, **consult with LLT before beginning any invasive species clearing to be sure you are attacking the correct plants and using the right techniques.**

## SPECIFIC SITUATIONS AND WHAT TO DO

### Vandalism

Vandalism of any kind is illegal! Report any vandalism to LLT. Be prepared to document

- What was done, where it is on the property, when you think it might have occurred, what action should be taken to remedy the situation and who would be the most appropriate to do any clean-up or repair work (you, LLT staff, workday volunteers, contractors).

- See above for how to document the incident.
- Record any vandalism on your *Monitoring Report*. Do not take any action without LLT approval.

### Dumping

Dumping of any kind is illegal! If there is any chance of hazardous waste involved, stay away from the material. **Do not open closed containers, sniff any suspicious substances or touch any container which could potentially hold dangerous materials!!** Report any instances of dumping on the property first to the LLT office, then report it to the local police **if instructed to do so by LLT**. Be prepared to document

- what has been dumped, how much there is, where it is on the property, when you think it might have occurred, how it could be removed,
- who would be most appropriate to do the clean-up work (you, a staff member, a contractor) and what special equipment might be needed to remove the material (a dump truck, a backhoe, a pickup, or other equipment).
- Report any dumping on your *Monitoring Report*. Do not take action without LLT approval.

### Off Road Vehicles

Unauthorized motor vehicle use (motorcycles, ATVs and any 4x4 vehicle) and dirt bikes are prohibited on all LLT preserves. If you find evidence of any motorized vehicle use, report it to the LLT office and note it on your *Monitoring Report*. Be prepared to document

- where vehicles were being used, how they accessed the property if known, what type of vehicle it was, and what damage may have been caused.
- If you find someone on a motorized vehicle on a LLT preserve, get a license number or description of driver and vehicle if possible.
- **DO NOT approach or accost anyone on an ATV etc. Your safety is paramount**
- Contact the police as soon as possible and then the LLT office. **Never put yourself in an uncomfortable situation.**

### Camping/Fire Rings

Camping and fires are prohibited on LLT preserves. If a camping site found is presently occupied, speak with the individuals **if you feel comfortable** and let them know that camping is prohibited on LLT preserves. **Never put yourself in an uncomfortable situation.** If you come upon tents or other equipment and no one is present, leave a note stating that camping is prohibited and ask them to remove their camp from the preserve and to restore the area back to its natural state. Contact the LLT office ASAP about any camping activities. Any evidence of fire rings or camping should be dismantled and the area should be restored to natural condition. Carry out any trash from an abandoned site with you. Make note of areas used for camping, and visit them periodically to ensure that they are not being continually used. Report any evidence of camping or fires to the LLT office or on your *Monitoring Report*.

### Timber Trespass

Cutting of trees on LLT preserves without authorization is illegal. If you suspect that timber is being cut illegally, contact the LLT office ASAP. Provide information on the

- approximate number of trees, the approximate stump diameters, how much land area is involved, where on the preserve the cutting occurred, how the area was accessed, when you think it may have occurred, and whether any action needs to be taken to clean up the areas.
- Also report any incidents on your *Monitoring Report*.

### Hunting and Deer Stands

If a preserve is closed to hunting and you encounter a trespassing hunter, **do not** approach the hunter. Instead, contact the LLT office ASAP. On your *Monitoring Report* make note of the area they are hunting and whether or not you saw a deer stand. If you come across a deer stand, you will need to report it to LLT with location by GPS or on paper map if possible, and LLT will take appropriate action.

### Erosion on Trails/Roads

Minor erosion should be corrected before it becomes a serious problem. Always keep an eye out for signs of erosion: sediment at the bottom of a hill, areas on hills where the treadway has begun to wash away, and clouding of streams during rain storms. Notify LLT of any trail maintenance needs. Take a photo to document your observation.

**Thank you for your time and commitment to LLT, our preserves, and our visitors.**