



The Top 10 Things to Remember when Doing your BDR

OLTA BDR Case Study

Featuring: Experiences of the
Canada South Land Trust (CSLT)

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10/10/2007

Background:

On April 1st 2004, the Canada South Land Trust (CSLT) was notified that they were chosen as the recipient of a 148 acre Conservation Agreement in the Town of Kingsville, Essex County, Ontario. The CSLT were honored to be the recipient of such a large property that fit the criteria and mandate of the land trust and contained among other things a 46 acre woodland and a 2 acre pond/prairie restoration site.



Photograph of Balkwill Lands Courtesy of Tom Ayles

During the process of completing the Baseline Documentation Report (BDR) for the extensive property, the CSLT learned many different things. Being their first time in compiling such a report, it became clear the importance of having a high quality report and the level of effort and coordination required to complete it. During an interview in September 2007, Betty Learmouth from the CSLT reported on her personal experience of completing the BDR as one of the coordinators and volunteers involved. These experiences are discussed below. In addition, as these recommendations apply to a particular Canadian Land Trust (CLT) Standard and Practice (<http://www.clta.ca>), this is indicated in the text along with any applicable resources that will be useful in implementing the practice.

The Top 10 Things to Remember when Doing your BDR:

- 1. Having a Good Template to Guide you is Essential to Preparing a Good BDR**
The CSLT started their BDR process in late 2004 with no template or outline for collecting and documenting data. They researched approaches to doing BDRs through many sources but until CSLT used the OLTA BDR Template they realized that they had gaps and they were not collecting the right information. The two biggest mistakes they were making was not having documentation of their perimeter boundaries and not collecting information specific to the restrictive covenants in their Conservation Agreement. Also, some of their information like species inventory work was better suited for their 'Baseline File' as opposed to their Baseline Documentation Report. But after knowing this and using a sound template, the CSLT was able to fill the gaps, take out unnecessary information, and get it right.

Related CLT Standard and Practice:

11B: Baseline Documentation Report

Resource: The Baseline Documentation Report. 2006. Ontario Heritage Trust and Ontario Land Trust Alliance. (Available on the OLTA website) <http://www.ontariolandtrustalliance.org/publications.htm>

2. Plan Ahead

Conducting a BDR on a property takes careful planning. Before even going out into the field you must make sure that you have everything you need to collect the information properly. You also need to make sure that everyone going into the field is trained on how to collect and record the data and knows their roles and responsibilities.

Related CLT Standard and Practices:

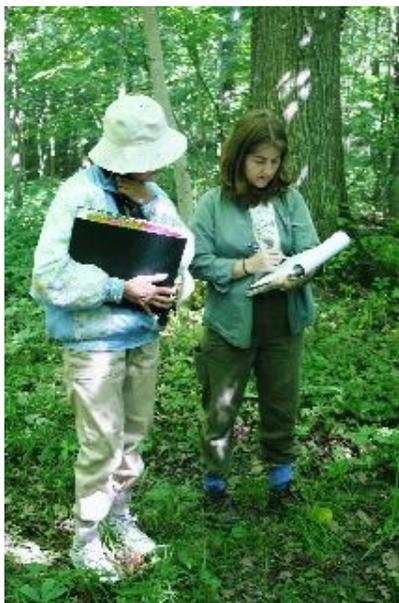
7D: Availability of Training and Expertise

7H. Working with Consultants

Resource: BDR and Monitoring Report Field Sheet Checklist (Available on the OLTA website)

<http://www.ontariolandtrustalliance.org/publications>

3. Get a Professional Survey Plan Done and Work Closely with Your Surveyor



Photograph Courtesy of Betty Learmouth

As some properties have no survey or old or outdated surveys (i.e. metes and bounds descriptions) it is highly recommended that you have an up to date survey done by a Professional Land Surveyor to verify the perimeter boundaries of the property. Sometimes landowners have even been surprised by fencing which they thought delineated the outer perimeter boundaries of their land, but really didn't. For Conservation Agreements which define internal zones with different restrictions, a survey plan is a must if you want to ensure the highest standard possible. Before the surveyor goes out onto the property, make sure that they know any special considerations such as internal zone boundaries and preferred name designation. Mark these areas with the landowner ahead of time and then meet the surveyor in the field to communicate it to them. Some land trusts like the CSLT wish they had met the surveyor in the field to understand how the work was being completed and how and where the survey pins were being marked. If you are unable to do that, make sure you check the survey pins and the survey draft carefully to make sure the surveyor has done their job. Sometimes mistakes happen either in the field or on the survey draft and once finalized and registered, the survey is very costly to correct. Another option is to have the surveyor provide you with GPS UTM co-ordinates of the survey pins. There is an additional fee to having this Integrated UTM Plan of Survey but it will give you the UTM coordinates you need for your BDR with only centimeters of error, versus meters of error by doing it yourself.

Related CLT Standard and Practices:

9D: Determining Property Boundaries

7H. Working with Consultants

Resource: OLTA Professional and Consultant Directory

(Available on the OLTA website)

<http://www.ontariolandtrustalliance.org/publications>

Resource: Association of Ontario Land Surveyors (AOLS)

<http://www.aols.org>

4. Be Flexible as Things May Change Along the Way

While in the process of developing their BDR, CSLT realized that things can change. One major item was the change in the legislation itself! The Conservation Land Act was amended during the process allowing a Conservation Agreement to be placed on both natural heritage and agricultural land which pleased both the Land Trust and Owners. But this changed the information that was being documented in the Conservation Agreement and BDR. Another thing that changed along the way was the property itself. The property had areas with dumped debris which were photographed for BDR documentation purposes. During the process of completing the BDR the landowner cleaned the debris up, so photographs had to be retaken. Do keep in mind that sometimes the longer it takes to do your BDR the more things can change along the way which means that you must make appropriate changes in your BDR documentation.

5. Budget Accordingly for your BDR

Having a good BDR to back up your Conservation Agreement is an important part of a sound Conservation Agreement Program. And just like doing a Professional Appraisal or a Professional Survey, you get what you pay for. Don't under budget your BDR. Remember that you are only doing the BDR once, so you want to get it right the first time. The CSLT estimate that they spent a total of \$10,000 on their survey and BDR which doesn't include all the volunteer work that was put into it. This figure may seem high however the CSLT property is relatively large and complex with 7 Conservation Agreement zones. For the CSLT, the plan of survey was the biggest cost (i.e. \$5,400) and an additional \$1,345 was spent on having GPS UTM coordinates marked by the surveyor to produce an Integrated UTM Plan of Survey. Other costs associated with doing the BDR include ecology work, photo development, GPS, aerial photography, and photographing and report publication. These can all add up quickly so remember to budget accordingly.

Related CLT Standard and Practice:

11A: Funding Conservation Agreement Stewardship

6. Good BDR Photography Requires Planning and Teamwork

Taking photographs on a property sounds easy and romantic. But it's not an easy job when it comes to taking photographs for a specific purpose and documenting them properly so they can be used as reference in legal and non-legal matters. For field photography purposes, you may want to have a photography 'team'. One person



Photograph of *Carex squarosa* courtesy of Betty Learmouth

may be in charge of taking the photography, another in documenting the information such as azimuth, and maybe even another to record the purpose of the photo and GPS UTM coordinates. You may also want to have the landowner on hand to point out important things to document such as hidden drains, culverts, ephemeral streams, rare or unusual species and to help verify photos later on. Know the purpose of taking each photo, and if there is no purpose, don't take it! Remember to carefully label and document the photo and photo location on a map. Some land trusts like the CSLT even labeled their photographed features (i.e. laneways) in the field, so that future monitors know exactly what they are looking at. Don't underestimate the time it will take to properly take and record photos, print and develop them, label and verify them. Remember that a better camera will take better pictures. And last but not least, try to think ahead to what you will be photographing (e.g. buildings) and how you will be photographing them (frontal versus from the east). Some features of the property may be best photographed with full foliage in the summer (e.g. rare or invasive species) while others may be best photographed with no foliage in the spring or fall (e.g. drain on the ground).

Related CLT Standard and Practices:

11B: Baseline Documentation Report

7D. Availability of Training and Expertise

Resource: Photo Documentation/Photo Monitoring Field Sheet

(Available on the OLTA website)

<http://www.ontariolandtrustalliance.org/publications>

7. Document and Record Everything Carefully



Photograph of Shagbark Hickory
courtesy of Betty Learmouth

It is very easy to make mistakes when collecting multiple datum on a property. One person may be collecting GPS UTM points another person may be taking photos and another recording natural feature data. It is important that each person knows why they are collecting the data and how to collect it and record it properly. In addition, cross referencing of data points needs to be accurate. For example, if photographing and taking a GPS reading of a building in a protected area of a property, make sure the photograph and GPS labels match each other. Proper field sheets need to be set up and brought into the field. This will help you record the data accurately. Once the field visit is finished, the data/field sheets and photographs should be reviewed and downloaded into the draft report as soon as possible, so that information can be double checked while each person's memory is still fresh.

8. Many, Many People will be Involved

Do not rush through the BDR process as there is a lot of coordination involved. Think ahead to what you will need, plan accordingly and make sure that everything is reviewed and triple checked. The land trust lawyer or law clerk/assistant to the lawyer is a great resource for checking certain things in the BDR. Items in the BDR that may not be in the Conservation Agreement such as acknowledgement of condition statement, zoning, and the conservation agreement reference statement can all be reviewed by your land trust legal firm, for additional peace of mind.

Remember that a BDR will not be completed and finalized without the involvement and review of many people. These types of people involved may include the following:

- a) the land trust's lawyer(s);
- b) the landowners lawyer(s);
- c) the landowners;
- d) the landowner's family;
- e) ecologists;
- f) consultants;
- g) volunteers;
- h) photographers;
- i) land trust staff or directors;
- j) surveyors;
- k) map makers and GIS personnel; and

l) print shop persons.

By having someone to coordinate all these people, put the report together and keep everyone on track for development or review is a good idea and can save you time and money.

Related CLT Standard and Practices:

9A: Legal Review and Technical Expertise

7D: Availability of Training and Expertise

7H. Working with Consultants

Resource: OLTA Professional and Consultant Directory
(Available on the OLTA website)

<http://www.ontariolandtrustalliance.org/publications>

9. Be Mindful of Wording and Terminology

The development of a BDR is not an isolated event. It relates directly to the Conservation Agreement and in most cases is linked in the Agreement with a legal reference statement. The CSLT made sure to be consistent with terminology and wording between the Conservation Agreement and the BDR. It will not make sense if you define and use the word 'trail' in the Agreement and use the word 'path' in the BDR. Likewise if you use the word 'boundary' in the Agreement and 'perimeter' in the BDR it will cause some confusion. In circumstances of contradiction between the two documents the Agreement will usually take precedence however you want to be proactive and avoid any inconsistencies.

10. Think of the Future

While preparing your BDR think ahead. Think of how many survey plan copies you will need for future monitoring work and landowner communications. Think of how many copies you will need of the photographs. Think of how many final reports you want and for what purpose (e.g. copies for present landowner, future landowners, lawyers, office copies, field copies for monitors etc). It is much easier to make copies once, then having to do extra copies along the way. Last but not least, think of how and where you will store your original archival copy as part of your Records Policy. This original signed copy is not for working purposes but for long-term storage. So think of a safe place to store it that has the right conditions so your document will last in perpetuity!

Related CLT Standard and Practice: 2D. Records Policy and 9G. Recordkeeping

Resource: Land Trust XYZ's Example Conservation Easement Records Policy and Procedures (Available on the OLTA website)

<http://www.ontariolandtrustalliance.org/publications>

By remembering these helpful hints and following the guidance of OLTA's Annotated Baseline Documentation Report (BDR) Template for Conservation Agreements you will be on your way to completing a successful BDR!

Special thanks to Betty Learmouth and the Canada South Land Trust (CSLT) for sharing their experiences with us!

Other Related Resources Include:

1. Katie G. Paris and Michelle K.M. Albanese. 2005. Best Practices and Performance Measures (BPPM) for Conservation Easement Programs. Supported by the Ecological Gifts Program, Environment Canada and the North American Wetland Council. March 24, 2005.
<http://www.ontariolandtrustalliance.org/publications>
2. Land Trust Alliance, 2005. The Conservation Easement Handbook. 2nd Edition, by the Land Trust Alliance.
www.lta.org/publications/
3. Conservation Easement Monitoring Report Template
<http://www.ontariolandtrustalliance.org/publications>



Betty Learmouth