



MONITORING OF PROTECTED PROPERTIES

- ***Property Monitoring Practices and Protocols***
- ***Training Guide for OFT Staff and Volunteers***

Prepared for the Ontario Farmland Trust
Land Committee & Board of Directors

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1. Purpose and Objectives

The Ontario Farmland Trust (OFT or the Trust) has both legal and ethical responsibilities to monitor the properties it protects: monitoring is not optional. Monitoring is a basic and reasonable obligation for the Trust to fulfill its mission to secure and protect Ontario's farmland and associated nature.

First, landowners who donate property or Conservation Easement Agreements to the Trust expect that the ecological values of the land will be protected in perpetuity and that the Trust will regularly monitor the property to ensure that changes are examined and dealt with appropriately.

Secondly, when Environment Canada has determined a property is ecologically sensitive according to its Ontario criteria and qualifies as an EcoGift, the related tax benefits of this designation give Environment Canada the right to insist the property's ecological values not be degraded by anyone. The Trust must monitor the status of those key values and failure to do so may result in significant tax penalties to the Trust. Penalties up to 50% of fair market value may be levied under the Income tax Act.

Thirdly, Ontario's Ministry of Natural Resources and Forestry (OMNRF) must agree to any changes in a Conservation Easement. Thus, the Trust is also obliged by the OMNRF to monitor its easement lands.

This document outlines a framework of protocols and practices used by the Trust to meet monitoring needs and obligations as guided by the Canadian Land Trust (CLT) Standards & Practices.

2. Audiences for this Document

This document and framework for property monitoring has been prepared for:

- ❑ OFT Executive Director and other staff e.g. Staff Lead, Land Program Assistants, Farmland Ecology Interns who are responsible for planning, organizing, and implementing annual monitoring of protected properties
- ❑ Land Committee members, summer staff, and volunteers who accompany OFT staff on the annual property monitoring visits
- ❑ Board members, Committee members and/or other OFT volunteers who are either responsible for approving OFT stewardship or becoming informed about property monitoring
- ❑ Anyone within or external to the Trust who is interested, needs to know, or should become more aware of the determined responsibilities, approved policies or protocols and procedures related to the annual monitoring of properties protected by the Ontario Farmland Trust.

This framework is designed to serve the OFT over a wide range of capacities for its annual monitoring. When the Trust has a small budget, land portfolio and/or minimal staff, the monitoring work can be carried out by the Executive Director (ED) with Trust Volunteers. The ED has delegated authority and responsibility to develop or improve operating procedures and templates within the intent of the OFT framework and the CLT standards & practices.

3. Monitoring Responsibilities

Trust properties are monitored to ensure that they are being adequately protected. Monitoring should take place annually in accord with this OFT framework of protocols and practices. An annual budget and work plan is developed to address OFT monitoring commitments for its conservation easements or other Trust properties. A sample monitoring template (Appendix 2) highlights key information to be collected.

The Canadian Land Trust Alliance updated its Standards & Practices (S&Ps) in 2019 for Land Trusts to guide them in monitoring the properties they have succeeded in protecting (see summary of practices below). As a member of the Ontario Land Trust Alliance, OFT has agreed to be guided by the best practices.

Best Practices for Property Monitoring
1. The Trust has created a standard monitoring template. The Trust documents each monitoring activity through the use of standard formats, including observations, photographs, maps, and other necessary means. Working templates contain basic site and contact information including date(s) of visit; report on landowner meeting; observations of current land uses, changes to the land, and any management problems; risk assessments; and recommendations for further Trust actions.
2. The Trust monitors its protected properties on an annual basis at a minimum. Monitoring occurs with the knowledge of and in partnership with the Landowner.
3. Monitoring reports refer to and follow up on issues, information or data presented in the Baseline Documentation Report and/or in previous monitoring reports.
4. The Trust monitors the Landowner’s legal compliance with easement terms.
5. The Trust staff and its volunteers are provided with training in monitoring.

Monitoring involves the gathering of information from periodic observations or measurements to document management activities, and to assess the state of the conservation values that are being protected. Monitoring responsibilities are often identified in easement agreements, and familiarity with these commitments is important. The monitoring requirements in such agreements will be respected. At a basic level, monitoring should have as its goal the evaluation of conservation success, the condition of natural areas, agricultural fields, forests, wetlands, signage, fencing, trails, buildings, documented land uses and related observations and the effectiveness of any stewardship activities.

Monitoring properties that are either **owned** or **held in Conservation Easements** by a Land Trust is an annual and ongoing program responsibility. For properties that are owned (fee simple donations), the Trust has full responsibility for management as owner of the land, and a Management Plan is normally prepared outlining the goals, objectives, and strategies for each owned property. Existing site information must be fully reviewed in advance in order to conduct an efficient review of the significant natural features of a site owned by the Trust. The latter are described in the Baseline Documentation Report against which changes in conditions, uses, and activities are monitored.

Currently the OFT land portfolio is only comprised of properties where the Trust holds a Conservation Easement. The donor of a Conservation Easement retains ownership of the land, is responsible for its management and may reside on the property. The Trust does not manage easement lands but may work with a landowner to support their stewardship projects on easement lands. The Trust should be made aware of any stewardship work on easement lands even if OFT is not directly involved.

Occasionally easements require more detailed monitoring but in most cases the monitoring will be guided by the easement restrictions outlined in the Conservation Easement Agreement for each property. As with owned property monitoring, an overview of past site documentation, results of stewardship activities and easement restrictions should precede a site inspection for monitoring purposes. It is very important to note that easement restrictions may relate to the entire property, or only to the natural features of the property. A residential area, if there is one, is generally exempt from most easement restrictions.

Information to be reviewed in advance of the monitoring visits includes:

- Baseline Documentation Report
- Easement restrictions in registered documents
- Management Plans (owned property), whenever available
- Monitoring Reports from previous years
- Monitoring Tracking file
- Previous Stewardship activities and outcomes
- Any other surveys or reports that may be appropriate
- Unresolved stewardship issues

4. Site Visit Protocol and Practice

The length of time required to complete a site visit will vary depending on the size and complexity of the property and the times required to drive to the site and to hike into it from the nearest access point. On average this will not exceed one half day per visit. Additional site visits may be required if issues arise that need to be addressed or recommendations need to be implemented.

Following the site visit, the Staff Lead (or Land Committee volunteer) will fill out a Monitoring Report and forward it to the Executive Director to advise that the site visit has been fully and properly completed and to identify any follow up action or other stewardship issues that need to be addressed.

While inspecting the properties, the Staff Lead and/or Land Committee volunteers look for evidence of any activities that are restricted by easement terms, or are inconsistent with a Management Plan for owned properties. They also note potential safety risks (e.g. tripping hazards, hazardous trees, unstable slopes, etc.), risks to neighbouring landowners (e.g. trees likely to fall onto neighbouring properties), and the presence of invasive species.

The Site Visit Protocol for Trust monitoring will generally include the following:

In advance

- ✓ **Read** the Monitoring Tracking file to see the results of monitoring year over year

- ✓ **Contact each landowner** (via email or phone, whichever is preferred) to inform them that you will be conducting a site visit and determine a mutually suitable time. Contact information is found in the Monitoring Tracking file and in the Landowner Contact file.
- ✓ **Update** the 'Annual Site Visit Plan' file with dates and times of each site visit for that year. Where possible, cluster site visits to minimize travel costs and establish a schedule that provides sufficient time to review changes on site and socialize with the landowner.
- ✓ **Communicate with the Land Securement Committee** to determine which volunteers are interested in attending the site visits

Before you leave...

- ✓ **Read** through the Baseline Documentation Report (BDR)
- ✓ **Read** through past monitoring reports, if available, and the Monitoring Tracking file to understand site context and any site issues
- ✓ **Print** a copy of a map from the BDR or satellite imagery with easement boundaries, past photo locations, and past monitoring routes with you to keep track of your route on your site visit and to see if any changes have occurred
- ✓ **Make note of** the pictures within the BDR and previous monitoring reports so you can get updated photos
- ✓ **Fill out** what you can of the *Monitoring Report Field Copy* (i.e. "changes to watch for," past issues/concerns to follow up on, property name, address, landowner/custodian, attendees)
- ✓ **Bring** pens, clipboard, GPS, and the GPS camera
- ✓ **Bring** directions and parking locations to your site visit as some of the farms are hard to find

On your site visit...

- ✓ **Chat** with the landowner briefly (if they are present and not able to attend the site walk) to make note of any changes and/or concerns
- ✓ **Walk** the property in a systematic way that allows for a review of all land uses and improvements, including agricultural areas, natural areas, and any new activities. The previous year's Monitoring Report will generally have a GPS map or other sketch showing the route taken but the annual route chosen may change as decided by the Staff Lead. It is not expected that during the evaluation you will visit every part of large properties. Make note of any areas that are not accessible for follow up.
- ✓ **Take pictures** that line up with those in the BDR or previous reports – note location on map and create a GPS waypoint
- ✓ **Take pictures** of anything that looks new, requires ongoing monitoring, or is not in apparent alignment with the BDR or easement restrictions

Upon your return...

- ✓ **Fill out** the full *Monitoring Report* (office copy)
- ✓ **Follow-up** with any outstanding issues, these issues must be carefully documented (specifically including photographs and GPS points) for evaluation and action by the Executive Director. Never confront the landowner with apparent infractions at the site visit, all these concerns are simply reported to the ED.
- ✓ **Update** the photo points in Google Earth

- ✓ **Follow-up** with the landowner to let them know the visit has been completed (if they were not able to attend the visit), to ask any follow up questions (e.g. access issues, small changes on site) and to let them know everything went well with the visit this year. In the event of a compliance issue with the easement, the ED will follow up with the landowner.

Essential for Monitoring and Safety

- Hiking boots/rubber boots and long pants (tucked into socks)
- Clipboard or small hardcover note book, pens, pencils
- OFT GPS camera (with extra batteries)
- OFT GPS (with compass)
- Copy of the aerial photos or detailed topographic mapping (from the BDR) with any past issues to review noted

OR

Google earth map with past photo locations identified and any past issues to review noted

- Site monitoring report form (Appendix 2)
- Binoculars
- Water and snacks
- A cell phone for emergencies
- First aid kit – sterile gauze and pads, band aids, moleskin, safety pins, Ibuprofen, antihistamine, rehydration crystals and antidote to poison ivy
- Sun protection – sunglasses, sun block and a wide-brimmed hat
- Insect repellent or lightweight bug-netting jacket
- Appropriate clothing for the weather (e.g. rain jacket, umbrella, sweater, extra socks, layers)
- Personal vehicle or source of transportation

Recommended for Circumstances

- Knife. A Swiss-army-type knife with multiple blades and tools
- Light. A flashlight is adequate, but a lightweight halogen headlamp is preferred
- Extra food for emergency situations

5. Enforcement of Easement Covenants

As agents of the Trust, all persons monitoring OFT properties must act with good diplomacy, prudence and common sense. They must fully realize that the OFT can be put at legal risk by their words or actions, or have its integrity or reputation diminished by inappropriate dialogue or posturing. In questions of enforcement, the Staff Lead will consult the Executive Director to address the specific situation.

If known inappropriate or illegal activities occur, an attempt at resolution must be made in a spirit of good will, based on reasonable arguments consistent with basic conservation objectives. Failing this, or where trespassing or other illegal activities are witnessed, the Executive Director will be consulted for more guidance, and the Executive Director will seek Board approval if needed and follow guidelines outlined in provincial trespassing or other legislation. With all easements for protected properties, the greatest emphasis is on working closely with supportive and understanding landowners for our mutual benefit.

6. Training for Site Monitoring

For all protected properties, it is important to ensure integrity and quality in the OFT's duty of care for annual monitoring within accepted standards and practices for Land Trusts. The Executive Director will ensure that Trust staff serving in the role of Staff Lead, students, interns and volunteers attending monitoring visits have suitable orientation and training in the duties and practices for property monitoring and reporting. Lack of qualifications (skills and knowledge) in those carrying out monitoring can impact negatively on OFT accountability and risk management. Orientation and training will ensure that all persons conducting monitoring visits of protected properties are capable of carrying out these OFT functions and responsibilities within monitoring protocols and practices.

In the case of lands qualifying under the Eco Gifts program, or other lands for which charitable receipts have been issued, the Trust has legal obligations to monitor the status of approved covenants, ecological values, and unauthorized changes in land use for these properties. Failure of the OFT to conduct proper monitoring and to address unauthorized changes in land use may result in **significant** tax penalties being imposed or levied upon the Trust under the *Income Tax Act* for Canada.

Monitoring records and reports must stand up to professional scrutiny in the case of performance audits or when any contraventions lead to legal proceedings. All records and reports from property visits will be provided to the OFT office for inclusion in its corporate files. The Executive Director will approve all monitoring reports to verify completeness in the site inspection and corporate recording of the monitoring results. Land use contraventions and/or ecological issues, such as invasive species will be carefully recorded and then brought to the attention of the Executive Director for direction on required follow up action.

Appendix 1: Monitoring Report Template (Office Copy)



Monitoring Report Conservation Easement Agreement

Property Name		RESULTS	
Report Lead		Easement Violation	<input type="checkbox"/> Yes <input type="checkbox"/> No
Report Completion Date		Action Required	<input type="checkbox"/> Yes <input type="checkbox"/> No

Note: Double-click check boxes to 'check' and 'uncheck'.

Property & Site Visit Information

Property Address		Date of Visit	
		Arrival Time	
		Duration of Visit	
		Inspection Attendees	
Current Landowner			
Present During Visit?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Easement Custodian		Approx. Temp.	°C
Present During Visit?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Weather Conditions	
Backup Easement Holder			
Past Concerns & Activities with Ongoing Monitoring (include location, description, duration, previous contact, etc.)			
Comments/Notes Re: Property Access, Landowner Contact, Hazards, etc.			

Summary of Property Observations

Summary of Agricultural Area(s) (include any agricultural activities, alterations compared to baseline document/previous reports, and areas of interest)

Summary of Forested & Natural area(s) (include any alterations compared to baseline document/previous reports, and areas of interest)

Summary of Residential Area (include any alterations compared to baseline document/previous reports, and areas of interest)

Easement Conditions

Have any of the following changes or activities occurred in the agricultural/forested and natural area since the last site visit? *If yes, please provide description below*

- | | |
|---|--|
| New construction/demolition of current buildings <input type="checkbox"/> | Garbage or debris dumping <input type="checkbox"/> |
| Soil removal or digging <input type="checkbox"/> | Added fill <input type="checkbox"/> |
| Drainage piping or construction added/removed <input type="checkbox"/> | Fencing removal/construction <input type="checkbox"/> |
| Erosion <input type="checkbox"/> | Fire <input type="checkbox"/> |
| Flooding <input type="checkbox"/> | Changes in agricultural activity <input type="checkbox"/> |
| Restoration of buildings or land <input type="checkbox"/> | Change in invasive species presence <input type="checkbox"/> |
| Theft or vandalism <input type="checkbox"/> | Other <input type="checkbox"/> |

Change/Activity	Area agricultural or forested/natural	Description + Supporting Evidence size, approximate location (indicate on map), photo references (attach in appendix), related activities, etc. <i>Note if this is considered a violation of the easement agreement or is an ongoing concern</i>

Results

Are there any activities/changes that require ongoing monitoring?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are there any violations to the easement agreement?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please provide details on any follow-up activities or additional recommendations:		

Additional Information

Species at Risk/Wildlife Sightings	SAR:			
Condition of Land Trust Signage	Other:			
Condition of Land Trust Signage	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor (<i>describe below</i>) <input type="checkbox"/>	N/A <input type="checkbox"/>
Condition of Land Trust Signage				

Map 1: Satellite imagery w/ boundaries and route travelled – To note: route travelled, route start and end locations, locations of changes to property (from report), photo locations



Legend

Route travelled	—	Photo location marker	📍
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Photos to Compare with BDR/Previous Reports

Appendix A: Areas of Interest – Photos

Appendix 2: Monitoring Report Template (Field Copy)

Property: _____ Date of visit: _____

Address: _____

Arrival time: _____ End Time: _____ Approx. temp.: _____ °C Weather: _____

Landowner Present? Yes No Others present? Yes No _____

Issues with Property Access? Yes No _____

Checklist:

- Map of Property (to mark route travelled, photo locations, areas of interest)
- Areas of Ongoing Monitoring: _____
- Photos of Importance: _____
- First aid kit, bug spray, sun/ rain gear
- GPS and camera

Description of current agricultural activities: _____

Changes or activities that have occurred in the agricultural, forested and/or natural areas since the last site visit? Include Notes.

- | | |
|--|--|
| <input type="checkbox"/> New construction/demolition of current buildings/trails | <input type="checkbox"/> Garbage or debris dumping |
| <input type="checkbox"/> Soil removal or digging | <input type="checkbox"/> Added fill |
| <input type="checkbox"/> Drainage piping or construction added/removed | <input type="checkbox"/> Fencing removal/construction |
| <input type="checkbox"/> Erosion | <input type="checkbox"/> Fire |
| <input type="checkbox"/> Flooding | <input type="checkbox"/> Changes in agricultural activity |
| <input type="checkbox"/> Restoration of buildings or land | <input type="checkbox"/> Change in invasive species presence |
| <input type="checkbox"/> Theft or vandalism | <input type="checkbox"/> Other |

SAR/Wildlife sightings: Yes No _____

Condition of Land Trust signage: Good Fair Poor N/A

Follow-up required with landowner: Yes No _____