Sierra Nevada Conservancy-Progress Report

Sierra Nevada Conservancy Grant Program
Safe Drinking Water, Water Quality and Supply, Flood Control
River and Coastal Protection Act of 2008 (Proposition 84)

Grantee Name: **Lassen Land and Trails Trust**

Project title: **Hulsman Ranch Conservation Easement**

SNC Reference Number: **SNC 070353** **Submittal Date:** **Dec. 16, 2011**

Report Preparer: **Louise Jensen** **Phone #:** **(530) 257-3252**

Check one:

____ 6-Month Progress Report
_X_ Final Report

6-Month Progress Reports should reflect the previous six months. **Final Reports** should reflect the entire grant period.

A. Progress Report Summary:

Since the last progress report, the Trust accelerated the easement negotiations, finalized the Conservation Easement Deed, Baseline Documentation Report, Monitoring Plan and secured the Department of Fish and Game's recommendation to the Wildlife Conservation Board. On December 8, 2011, the Wildlife Conservation Board approved a grant to Lassen Land and Trails Trust for the acquisition of the easement. We are currently working to complete escrow instructions and to comply with the final WCB requirements for the payment request. We expect to close on the purchase by early February 2012.

B. Deliverables or Outcomes completed during this Reporting Period or Milestones Achieved:

Enclosed are copies of the following final deliverables:

- Title Report
- Monitoring Plan
- Baseline Documentation Report
- Conservation Easement

(Please see additional images of the easement property attached)

C. Challenges or Opportunities Encountered:

D. Unanticipated Successes Achieved:

E. Compare Actual Costs to Budgeted Costs: (Please refer to your grant agreement to list your deliverables/budget categories and budgeted costs compared to actual costs incurred during this reporting period in the table below.)

PROJECT BUDGET CATEGORIES	Budgeted SNC Dollars	Actual Dollars
Easement negotiation	$15,000.00	$15,000.00
Appraisal and Title Work	$10,000.00	$10,000.00
Baseline Report and Monitoring	$10,000.00	$10,000.00
GRAND TOTAL		**$35,000.00**

Explanation: Negotiation of the final language of the conservation easement deed with the land owners' attorney was exceptionally challenging and took more time and resources than anticipated in the final weeks leading to the WCB Board meeting. Real dollars expended exceeded grant funds significantly.

F. Do you have information to report on the project-specific Performance Measures for your project?
With the purchase of the 535 acre conservation easement, 900 acres of the 4,340 acres in the Department of Fish and Game's Bass Hill-Lassen Creek CAPP will be protected. The CAPP is a critical wildlife migration corridor linking summer range and winter range for mule deer. Both Lassen Creek and Sand Slough, important tributaries to the Susan River, are also further protected by the easement.

Please see the enclosed easement, baseline documentation report and monitoring plan for further information.

G. Were there any other relevant materials produced under the terms of this Agreement that are not a part of the budgeted deliverables? If so, please attach copies. (Include digital photos, maps, media coverage of project, or other work products.)

There were no other relevant materials produced under the terms of this agreement.

H. Next Steps:
The acquisition of the conservation easement is expected to close by early February 2012.

LASSEN LAND AND TRAILS TRUST
Hulsman Ranch Conservation Easement
Monitoring Protocol

Lassen Land and Trails Trust (LLTT) works to balance the interest of landowners in the use and enjoyment of their property with its (LLTT's) interest in conscientiously stewarding easements that it holds.

LLTT will undertake regular monitoring visits of the Hulsman Ranch at a rate of no less than one per year. The landowner will be notified of visits per the conditions of the conservation easement. Whenever feasible, monitoring visits will be coordinated with the landowners and/or their designated agents. Feasibility may depend on the reason for the monitoring visit. It may not be feasible to coordinate with the landowner for emergency monitoring visits to investigate violations of the easement that threaten the conservation values protected by the easement. When the monitoring visit is not an emergency, landowners and/or their agents will be invited to accompany the LLTT monitor on monitoring visits.

If recent aerial or ground photos are available, they will be reviewed.

Monitoring reports, including any additional information gathered such as photographs, measurements, maps, etc., will be signed by LLTT's Lands Manager or the staff person designated by the Lands Manager to generate the report. The signed report will be filed in the Hulsman Ranch Conservation Easement Monitoring file. A follow-up letter to the landowner will include information concerning the status of the easement from this report. A copy will be sent to the Wildlife Conservation Board (WCB) and the Department of Fish and Game (DFG).

The report and letter will indicate the easement compliance status as:

In Compliance—After an inspection of the property, review of easement terms and relevant baseline documentation information, no finding of a current violation is observed.

In Review—After an inspection of the property, monitoring observations suggest that a violation may have occurred. This will trigger further assessment of the easement terms, baseline documentation information and research into the nature of the activities in question with the Lands Manager, chair of the Conservation Committee and legal counsel. A memo will be added to the file documenting the matters under review.

If it is confirmed that an activity has occurred on the property which appears inconsistent with easement terms or the situation is ambiguous with respect to whether or not it violates the easement, LLTT's Lands Manager, Executive Director and Conservation Committee with legal counsel will determine whether the activity has or will result in harming the easement's conservation purposes or conservation values

protected by the easement.

A file may remain in review with no formal follow—up action for up to 3 months during which time LLTT staff will be consulting with the Conservation Committee and legal counsel to determine the next appropriate course of action. Staff may continue to classify a violation as *In Review* for up to one year until the time of the next monitoring visit, provided that there is no evidence or documentation that the violation is adversely affecting the conservation values and LLTT and the landowner are diligently working to resolve the situation.

In the event that the landowner continues to violate the easement in flagrant disregard for agreed upon remedial action, LLTT staff may change the classification to *In Violation* after consultation with the Conservation Committee, Board of Directors and legal counsel.

In Violation: When there is a clear violation of easement terms which may require enforcement action. Violations will be clearly documented with photographs, written details in a signed and dated field report, and accurate measurements. Further documentation may include notes or phone calls, meetings and correspondence regarding the violation.

Circumstances in which a damaging, not easily resolved violation has taken place must be classified as clearly *In Violation*. Addressing these will involve LLTT staff including the staff member monitoring the property, the Lands Manager, Executive Director, Conservation Committee, President of the Board and legal counsel. The matter may be referred to formal mediation or there may be significant legal engagement including the hiring of outside counsel to facilitate a resolution or to initiate litigation to enforce the easement as per the Conservation Easement Deed and Agreement. LLTT Board approval shall be sought prior to undertaking any outside legal representation or action.

Combined Status: After monitoring the property, LLTT staff may find that the property is under review for compliance with some easement terms and in violation of other terms. A memo to the easement monitoring file will document fully the matters, in review, in violation and/or in compliance.

Monitoring Procedures

1. Pre-Monitoring Activities.

    a. Send pre-monitoring survey ahead of time to landowner.

    b. Check with Lassen County Court to update easement monitoring file records regarding any change in ownership, boundary line adjustments, amendments, liens, new deeds of trust, etc. Make copies of any new deeds for the file. Also, check with the Assessor's office for information on existing buildings and structures. Make copies to include in monitoring file, if possible. Locate building (or planning/zoning) permits for any new

structures, or clearing and grading permits for construction of new structures. Record all pertinent information and make copies, if possible.

c. Review terms of the easement, baseline documentation and latest monitoring reports.

d. Contact landowner for permission to visit their property. Remind them of LLTT's conservation easement on the property and that it is time for the monitoring required under the law and by the terms of the easement. Document the conversation in the monitoring report.

e. Schedule date for the visit with landowner. Invite the landowner and/or their agent to tour the property, as well during the visit.

f. Ask if there has been any new activity on the property.

g. Ask if there's anything to be cautious about such as livestock, impassable roads, etc.

h. Ask if keys are needed for any gates.

i. Prepare the monitoring form as much as possible prior to the visit.

2. Monitors.

a. LLTT's Lands Manager or a designated staff member will conduct the monitoring.

b. The Lands Manager or designated staff member will have knowledge of LLTT's monitoring policy, be informed regarding the Hulsman Ranch Conservation Easement Deed and Agreement and the conservation values of the property, and have the required professional skills and experience for assessing the conservation values.

3. Purpose of Monitoring.

a. To assess adherence to the conditions set forth by the Conservation Easement Deed and Agreement.

b. To evaluate the wildlife habitat and riparian conditions as conservation values of the easement.

c. To document agricultural practices and other activities are consistent with the terms of the easement and grazing plan.

4. Frequency and Timing.

a. Schedule monitoring visit with landowner at least one time annually.

b. Best time is late summer to assess grazing impact and condition of riparian areas.

5. Procedures and Methods of Monitoring.

   a. Annual monitoring, and any emergency monitoring for a suspected violation, will be an on-site inspection of the entire Property under the Conservation Easement.

   b. LLTT staff will carry their business cards and identification whenever visiting the property.

   c. If an emergency visit or any monitoring for a suspected violation, a second LLTT staff person will participate in the monitoring.

   d. Monitoring will be done referencing the conservation values of the easement, as well as the Baseline Documentation Report conditions. Baseline Documentation Report Appendices A (Easement Property Maps), B (Photographic Documentation) and C (Grazing Plan) will be used walking 'on the ground' to evaluate and assess adherence to the Conservation Easement purposes, terms and conditions and Purposes of Grant from the WCB.

   e. Any structural (fencing, home site, solar panel field plan) or natural alteration (holding pond, Sand Slough, etc.) in the view of any photo point will require that the photo point be re-shot and documented in a manner consistent with the current Baseline Documentation Report (numbered, location marked on aerial and compass heading for each photo) and appended to that Report. Alterations will also be documented in the written monitoring report. Structural alterations will also require additional photo points from at least four vantage points to document the location, construction and dimensions are consistent with the guidance set forth in the easement.

6. Monitoring Checklist and Plan. (See Monitoring Checklist & Notes Template)

   ❑ Dimensions of any new structures, such as road, fencing, home or solar panel field.

   ❑ Dimensions of existing fencing and roads.

   ❑ Locations of any new structures such as fencing, home or solar panel field

   ❑ Locations of any new roads or ingress/egresses

   ❑ Wildlife seen

   ❑ Grazing patterns; number and type of livestock grazing

   ❑ Sand Slough riparian area; buffer width and water levels

   ❑ Comments of landowner

❑ Notes regarding anything of concern to follow up on

7. Monitoring Documentation Report: (See Report Template) Each monitoring report will include:
   a. Date(s) and time(s) of monitoring; conditions (weather, visibility, etc.)
   b. Identities and number of participants (Grantee staff, consultants or representatives, Landowner, third parties)
   c. Qualifications and affiliations of monitors
   d. Purpose of monitoring (e.g., annual monitoring, special inspection due to suspected violation or request for consent to exercise of reserved right, change of ownership, etc.)
   e. Method(s) of monitoring (e.g., aerial inspection, drive-by, site visit, etc.) including route(s) of travel
   f. Documentation of monitoring procedures and activities, including any information brought to the monitoring visit (e.g., Baseline Documentation Report, previous Monitoring Report(s), management plan, aerial photographs, maps, etc.)
   g. Description and summary of observations documented with photo monitoring points annotated with date, location, description and orientation as identified in the Baseline Documentation Report. Photographs should be cross-referenced to the Baseline Documentation Report.
   h. Description of site conditions relative to the terms, conditions and purposes of the Conservation Easement and the Purposes of Grant, including any observable changes from the Baseline Documentation Report or the last completed Monitoring Report.
   i. Any additional comments on observations, including facts relating to any possible violation(s) observed and any follow-up recommendations.
   j. Status of Conservation Easement (In Compliance, In Review, In Violation)

8. Post-Monitoring Activities.
   a. Download, label and date all photos to Hulsman Ranch Conservation Easement file on LLTT Server (LLTTMain, Projects, Hulsman Ranch, Monitoring);
   b. Complete the Monitoring Report, including:
      i. Thorough property description.
      ii. Updated directions to the property, if necessary.
      iii. Description of interaction with the landowner, including conversations about any new developments on the property.

iv. Status and any concerns about possible violations or activities/circumstances of the property which may be questionable under the terms of the easement.

v. Sign and date the form.

vi. Save in Hulsman Ranch Conservation Easement file on LLTT Server (LLTT Main, Projects, Hulsman Ranch, Monitoring)

c. Thank the landowner for their cooperation and send labeled photos and updated photo point aerial map.

d. Send copies to the WCB and DFG.

e. Place the following in Hulsman Ranch Conservation Easement Monitoring Binder:

i. Monitoring form (original)

ii. Landowner notification letter (copy)

iii. Labeled photos (prints; CD)

iv. Photo documentation form

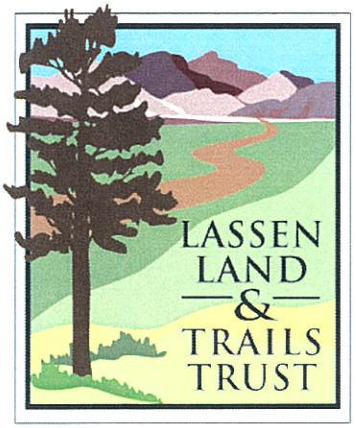
v. Aerial photo maps with photo points

vi. Easement summary sheet

vii. Any other relevant files, such as printouts of any email correspondence with the landowner

9. Response to Possible Problems or Violations. If there is a concern, the landowner will be contacted in writing as soon as possible and no later than three months from the visit. (See Monitoring Protocol, page 2, "In Violation")

10. Changes. Upon transfer of the property or with the addition of structures such as the solar panel field or home, there may be a need to revise the monitoring protocol. At the time of the transfer of the property or completion of the structure, LLTT staff will draft proposed changes in the monitoring protocol for review by the Lands Manager and Executive Director. Following any revisions, a copy will be sent to the Grantor for review. Following the Grantor's review, LLTT's Conservation Committee will approve the revision of the protocol and a copy will be sent to the Grantor, WCB and DFG.



CONSERVATION EASEMENT AND LAND MANAGEMENT
MONITORING REPORT
FOR

Hulsman Ranch Conservation Easement

(Date)

Lead Monitor: _____

Lassen Land and Trails Trust, Inc.
PO Box 1461, Susanville, CA 96130
(530) 257-3252

Date of Easement: _____

Date of Monitoring Visit: _____

Date of Monitoring Report: _____

Lassen Land and Trails Trust Monitoring Narrative

INTRODUCTION

This report has been prepared in order to document any changes in the current features, conditions, and natural resources of the Hulsman Ranch Conservation Easement in Lassen County (the 'Property', also referred to by Property unit name) in relation to the values, rights and uses specified in the Grant Deed of Conservation Easement and the Lassen Land and Trails Trust Monitoring Protocol, approved and adopted by the Board of Directors on December 22, 2011.

(Background regarding the CE or property, past monitoring reports and findings such as changes in the property, recommendations, etc.)

Methods and Procedures:

(Document equipment used, standards, those present, who took photos, GPS coordinates, prepared maps, and wrote report.)

MONITORING OBJECTIVES

The primary purpose of this site visit was to observe and document the conditions of the Hulsman Ranch Conservation Easement. In addition, observations were made in relation to the implementation of the grazing plan, as well as the conservation easement terms and conditions. The objective of this monitoring and documentation is to provide evidence that helps determine if the land is being managed according to the conservation easement and the stated conservation objectives in the monitoring protocol and grazing plan.

(*Identify Site on Property*):
(Document character of site, treatment or activity since last monitoring, report measurements of any improvements, location, evidence of wildlife activities/impact, and any 'future' plans by land owner.)

(Cite specific section of Conservation Easement/Grazing Plan related to the site, any restrictions and whether there is any deviation from those conditions or impact from a deviation.)

(Repeat for other sites on Property with Easement)

OTHER ACTIVITIES

(Include any other information regarding the property, such as increasing presence of invasive species, etc. Make reference to any past monitoring reports if pertinent to new findings.)

CONCLUSIONS

The activities and sites monitored appear to be in (*full compliance/requiring /not in compliance*) with the terms of the Conservation Easement and grazing plan. *(Note whether significant changes other than those identified in the report were found.)*

(Please indicate the number, title and date of following appendices to this report.)

____ aerial photos

____ ground photos (digital and reference photo points per sample in baseline documentation report)

____ maps and illustrations

____ other:

Monitor's Name:_____ Monitor's Title: _____

Monitor's Signature:_____ Date: _____

Conservation Easement Monitoring Checklist

Easement Name _____ New Owner? _____

Municipality _____ CE Date _____ Acreage _____

Current Owner _____ Phone _____

Local Contact / Property Manager _____ Phone _____

Pre-visit Review and Prep

- ❑ Prepare CE work file
- ❑ Review entire CE File
- ❑ Complete CE Outline
- ❑ Check Aerial Monitoring Book
- ❑ Check Monitoring Inspection Sheet
- ❑ Scan and print aerial and/or other photos
- ❑ Talk with original LP Specialist, if available
- ❑ Highlight Easement (& amendments), make notes
- ❑ Need Baseline Documentation Report
- ❑ Need baseline photos / survey / deed (circle)
- ❑ Schedule monitoring visit & invite CE Landowner

Date _____ Time _____

Person(s): _____ _____

Meeting Place_____

Directions_____

_____

_____

❑ Confirmation call / letter on: _____
(DATE)

Lassen Land and Trails Trust
Conservation Easement Monitoring Notes

Date: _____ **Time on Property:** _____

Easement Name: _____

Location: _____

Current Landowner: _____

Address and Phone: _____

_____

Local representative for landowner (as necessary): _____

Address and Phone: _____

_____

Description of Current Land Use (including problems):

_____

_____

_____

List Man-Made Alterations (for example, construction, dredging or filling, new trails, timber harvest, clearing of new fields since the easement was last monitored.) Please describe activity or alteration; note location, extent, purpose, and individual responsible (if known). Attach maps, photos, and illustrations.

_____

_____

_____

List Natural Alterations (for example, flooding, fire, and insect infestation). Note location and nature of changes. Attach maps, photos, and illustrations as necessary.

_____

_____

_____

Observations and Recommendations relative to conservation easement implementation.

_____

_____

_____

Recommendations for resource restoration and enhancement.

_____

_____

_____

Wildlife Observed During Monitoring Visit.

_____

List of Persons Attending Inspection (landowner or others):

_____

_____

_____

_____

Monitor's Name:_____

Monitor's Signature:

_____

Additional Notes:

Post-Visit Follow-up

- ❑ Prepare and File Monitoring Report
- ❑ Discuss potential problems with Lands Manager; Executive Director
- ❑ Prepare, send and file a Letter to Landowner
- ❑ Update Monitoring Inspection Sheet
- ❑ Label and file photos, maps, etc.
- ❑ File to Lands Manager; Executive Director (if needed)

Materials & Equipment

- ❑ this sheet
- ❑ highlighted copy of CE (& amendments)
- ❑ copy of CE (& amendments) for landowner
- ❑ photos of property
- ❑ topo map copy w/ easement delineated
- ❑ survey map copies (2)
- ❑ photo location maps (2)
- ❑ CE Outline
- ❑ scanned photo(s)
- ❑ inspection form & clipboard
- ❑ camera & film
- ❑ SPNHF CE signs
- ❑ all-weather notebook
- ❑ pencils / pens / sharpies
- ❑ business cards
- ❑ name tag
- ❑ script / talking list
- ❑ our newsletter
- ❑ travel / expense sheet
- ❑ management info pamphlets / sheets
- ❑ binoculars
- ❑ lunch / water
- ❑ compass
- ❑ flagging
- ❑ field guides
- ❑ tape measure
- ❑ engineering scale
- ❑ baggies
- ❑ field vest and/or pack
- ❑ hiking boots and socks
- ❑ jacket / long sleeve shirt
- ❑ rain gear
- ❑ bug repellent / net / sunscreen