Monitoring and Enforcement Protocol Guidance

Applicants are required to submit protocols to demonstrate proper enforcement and monitoring of properties or easements acquired with funding through this grant opportunity. The Monitoring and Enforcement Protocol is a written document which must be submitted along with an online application. Applicants that do not upload a detailed Enforcement and Monitoring Protocol with an online application will be deemed ineligible for funding.

Monitoring and Enforcement Protocol Elements:

I. Monitoring Procedure
   a. Frequency (i.e. annual)
   b. Contact with landowners (only applicable to conservation easements)
   c. Type of monitoring (i.e. boundary survey)
   d. Monitoring documentation (i.e. updated site photos, maps)
   e. Parties responsible for monitoring (i.e. staff, volunteers, contractor)

II. Enforcement Procedure
   a. Violation definitions (i.e. minor, major)
   b. Potential violation response
   c. Violation documentation
   d. Resolving violations

Sample of Monitoring and Enforcement Protocols:

Below is a sample for applicants to review and consider when developing a detailed Monitoring and Enforcement Protocol for their specific project. Each element of a protocol is listed followed by examples.

I. Monitoring

Applicants should acknowledge the importance of routine monitoring and inspection.

a. **Frequency** – Specify the frequency of monitoring activities and give any information that supports the chosen schedule.
Example: The property will be monitored and inspected annually.
Example: The conservation easement will be monitored at least annually.
Example: Due to the seasonal activities occurring on the property, inspections will occur as frequently as every 3 months.

b. **Contact with landowners (only applicable to conservation easements)** –For Applicants who have conservation easements and will be working alongside landowners, describe how the two parties will participate in the monitoring program. Good communication between the landowner and applicant is important and should be upheld.
Example: The landowner will be contacted prior to and following each annual inspection and provided with a summary of the inspection.
Example: The landowner may accompany the Applicant on monitoring and inspection site walks, if he or she so desires.

c. **Type of monitoring** – List and describe the monitoring activities that will be undergone.
Example: A boundary survey will be completed annually.
Example: Applicant will inspect structures to ensure proper function and upkeep.
Example: A drone will be used to complete a boundary survey and inspect the interior of the property.

d. **Monitoring documentation** – It is important to create a system that will record and catalog all monitoring and inspection events.
Example: Upon completion of each inspection, a report will be completed using the Applicant's Template.
Example: If a violation is found on site, photo documentation will be taken.
Example: Property maps will be updated upon the notification that land-use has changed.

e. **Parties responsible for monitoring** – List all parties that may be part of the monitoring efforts.
Example: Applicant has designated [X] staff for monitoring events.
Example: Applicant employs community volunteers to help maintain a monthly monitoring frequency.
Example: Applicant has hired a contractor to routinely monitor and inspect the given property.

II. Enforcement Procedure

Violations may occur on or near the protected property that could diminish its source water protection value. It is important to have a clear enforcement procedure that includes the following components.

a. **Violation definitions** – Outline possible violations based on the parcel and surrounding area. It may be helpful to designate which are major and minor violations.
Examples: Construction of prohibited structures, disturbance of riparian buffer, disturbance of wetlands, allowance of public access to restricted area, occurrence of prohibited dumping, livestock in exceedance of easement specification, etc.

b. **Potential violation response** – Provide a violation response for all levels or types of violations previously outlined. Include any additional responses necessary.
Example: Upon observation of a minor violation, landowner will be notified and given 30 days to address the concern.
Example: If the source water protection value of the property is being threatened by an action of the owner or neighboring party, Applicant will inform the offending party of the potential for enforcement if the action is not ceased.

c. **Violation documentation** – Ensure that violations are documented clearly and consistently.
Example: If a violation is discovered during monitoring or if a violation is reported, it will be documented in the report and include photographs of the incident.
Example: Report violations to relevant parties for their records, e.g. County Soil and Water Conservation District.
Example: For all violations, a letter will be promptly sent to the landowner detailing the violation and requesting a response. For major violations, copy legal counsel.

d. **Resolving violations** – Resolving violations should be designed to uphold or improve the source water value of the property. In addition, it is beneficial to maintain a good relationship between the enforcing party and the owner or public when possible.
Example: For violations resolved by their given deadline, a letter will be sent to the violating parties to confirm the resolution of the violation and thank them for their cooperation.
Example: Applicant will work closely with violating party to help resolve the issue on site. This will be done through planning and implementation of a remediation plan.
Example: If the owner will not resolve the violation, Applicant will take legal action to enforce the terms of the easement.