**Conservation and Mitigation Opportunity Specialist**

**CDFW Scope of Work Process Description**

The Conservation and Mitigation Opportunity Specialist consultant will be expected to work closely with CDFW in accordance with direction and approvals from CDFW in the course of the performance of the work, as shown in [Attachment 1: CDFW WJT Land Acquisition Flowchart](https://www.nfwf.org/sites/default/files/2023-09/wjt_rfq_attachment_1-cdfw_land_acquisition_flowchart.pdf), and [Attachment 2: CDFW WJT Enhancement & Restoration Project Flowchart](https://www.nfwf.org/sites/default/files/2023-09/wjt_rfq_attachment_2-enhancement_restoration_project_flowchart.pdf), and as described below:

1. **Identify Potential Conservation and Mitigation Land Acquisition/Protection Opportunities:** Conservation and Mitigation Opportunity Specialist consultant locates appropriate western Joshua tree (WJT) habitat land acquisition/protection opportunities consistent with [Attachment 1-A: CDFW Western Joshua Tree Conservation Lands Assessment](https://www.nfwf.org/sites/default/files/2023-09/wjt_rfq_attachment_1-a_cdfw_wjt_conservation_lands_assessment_0.docx), which prioritizes lands that:
* have large areas occupied by WJT,
* have a high density of reproductive adult individuals,
* have high recruitment (indicating presence of small mammals, nurse plants, and pollinating moths),
* are within predicted climate refugia,
* have low risk from current and adjacent land use, and
* have good overall tree health.

The Conservation and Mitigation Opportunity Specialist consultant shall contact landowners, potential conservation easement grantees, and potential land managers to determine willingness to participate. The Conservation and Mitigation Opportunity Specialist consultant will bring potential WJT habitat lands acquisition or other protection opportunities forward for CDFW review and approval of biological suitability; these may be opportunities proposed by the Conservation and Mitigation Opportunity Specialist consultant itself and/or by third parties.

1. **Property Eligibility:** Upon CDFW approval of the biological suitability of the proposed fee title or conservation easement land acquisition or other CDFW-approved land protection, the Conservation and Mitigation Opportunity Specialist consultant shall obtain, prepare, and thoroughly evaluate the documentation listed under Stage 1 (Property Eligibility) of [Attachment 1-B: CDFW Checklist of Documents for WJT Habitat Management Land Acquisition Property Review and Protection](https://www.nfwf.org/sites/default/files/2023-09/wjt_rfq_attachment_1-b_land_acquisition_document_checklist.docx).

This CDFW checklist is presented in stages to be followed in order to ensure CDFW has the opportunity to approve each stage before it moves to the next. Only conservation and mitigation opportunities that (i) have been thoroughly reviewed, (ii) have any potential property issues (e.g., existing easements, alienated or split mineral estates, severed water rights, etc.) or conflicts with conservation values clearly identified, and (iii) have recommendations for successful implementation, should be proposed to CDFW. It will be the Conservation and Mitigation Opportunity Specialist consultant’s role to identify any such conflicts and to identify the best proposed acquisitions for CDFW’s review and approval. For those conservation and mitigation opportunities involving conservation easement acquisitions, the Conservation and Mitigation Opportunity Specialist consultant shall identify a landowner/grantor, conservation easement grantee, land manager, and Endowment holder(s). Whenever possible, the conservation easement grantee and the land manager should be separate entities to avoid a conflict of interest created by an entity monitoring its own compliance with the applicable management plans, and any proposal to have the same entity fulfill both roles must be approved in advance by CDFW. Both entities will need to be evaluated and approved by CDFW to ensure compliance generally with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended, and specifically with respect to Government Code sections 65966(j) and 65967(e). The Endowment holder must be eligible pursuant to Government Code sections 65965 and 65968. CDFW will be listed as a third-party beneficiary on all conservation easements, but in many cases will not serve any of the other roles.
2. **Property Acceptance:** Upon CDFW approval of the Property Eligibility stage, the Conservation and Mitigation Opportunity Specialist consultant shall obtain, prepare, and thoroughly evaluate the documentation listed under Stage 2 (Property Acceptance) of [Attachment 1-B](https://www.nfwf.org/sites/default/files/2023-09/wjt_rfq_attachment_1-b_land_acquisition_document_checklist.docx). If CDFW is taking fee title or will be grantee of a conservation easement, the Wildlife Conservation Board will also need to review and approve the property documents and will finalize the escrow process instead of the Conservation and Mitigation Opportunity Specialist consultant.
3. **Property Protection/Transaction Completion:** Upon CDFW approval of the Property Acceptance stage, the Conservation and Mitigation Opportunity Specialist consultant will complete the transaction (e.g., coordinate escrow, title, and closing) either directly with the title and escrow companies and the county for recordation or in coordination with the Wildlife Conservation Board (WCB) if CDFW is taking fee title or will be conservation easement grantee, and will provide conformed copies of the recorded documents to CDFW. The transaction will be paid for by NFWF with monies in the Western Joshua Tree Conservation Fund (WJT Fund) as directed by CDFW. Typically, this will involve CDFW directing NFWF to deposit the required monies into the applicable escrow for the transaction in accordance with third party escrow instructions that are approved by CDFW and NFWF.
4. **Restoration, Enhancement, Monitoring, and other Activities:**
	1. If the fee title or conservation easement WJT habitat land acquisition or other CDFW-approved land protection project includes restoration, enhancement, translocation, interim management, long-term land management, and/or monitoring of lands to be acquired or protected, the Conservation and Mitigation Opportunity Specialist consultant will prepare applicable enhancement, restoration, interim management, long-term land management, conservation easement stewardship, and/or monitoring plans for review and approval by CDFW and identify the implementing entities.
	2. If WJT habitat lands are already legally protected and enhancement, restoration, management, and/or monitoring would benefit WJT populations, the Conservation and Mitigation Opportunity Specialist consultant will identify and bring forward to CDFW potential enhancement and restoration projects for CDFW’s review, in accordance with the process shown in [Attachment 2](https://www.nfwf.org/sites/default/files/2023-09/wjt_rfq_attachment_2-enhancement_restoration_project_flowchart.pdf) and consistent with the assessment and evaluation criteria set forth in [Attachment 2-A: CDFW WJT Enhancement and Restoration Projects Assessment](https://www.nfwf.org/sites/default/files/2023-09/wjt_rfq_attachment_2-a_enhancement_and_restoration_project_assessment.docx). The enhancement and restoration opportunities may be proposed by the Conservation and Mitigation Opportunity Specialist consultant itself and/or by a third party. If the projects involve interim management, long-term land management, and/or monitoring plans, the Conservation and Mitigation Opportunity Specialist consultant will prepare the applicable plans for review and approval by CDFW and identify the implementing entities.
5. **Agreements with Implementing Entities and Endowments:** The Conservation and Mitigation Opportunity Specialist consultant will prepare cost estimates for review and approval by CDFW and prepare and facilitate the execution of any necessary agreements with the applicable implementing entities for the plans and projects listed in section 5 above, and, if applicable: 1) long-term land management and the holding/administration of an Endowment to pay the costs of such long-term land management; and/or 2) conservation easement stewardship and monitoring, and the holding/administration of an Endowment to pay the costs of such conservation easement stewardship and monitoring.

As and when (a) specific fee title and conservation easement acquisitions and other durable legal protection mechanisms are identified and approved by CDFW and/or (b) specific enhancement or restoration activities, and interim management, long-term land management, conservation easement stewardship, and/or monitoring plans are approved by CDFW for applicable lands, NFWF will pay for those CDFW-approved transactions/projects/activities with monies from the WJT Fund as directed by CDFW through applicable funding mechanisms as determined by CDFW and NFWF.