**ATTACHMENT 1-B**

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

**CHECKLIST OF DOCUMENTS FOR WESTERN JOSHUA TREE HABITAT MANAGEMENT LAND ACQUISITION PROPERTY REVIEW AND PROTECTION**

The California Department of Fish and Wildlife (CDFW) requests documents to help evaluate property proposed by entities as Habitat Management Land Acquisitions (HMLA) funded by the Western Joshua Tree Conservation Fund. CDFW will review the documents provided and issue a written acceptance before the property is protected by conveying fee title or a conservation easement over the property.

In Stage 1 (Property Eligibility), The Consultant will gather and/or prepare the documents and thoroughly review and evaluate them for property issues (e.g., existing easements, alienated or split mineral estates, severed water rights, etc.) and potential conflicts with conservation values. Consultant will provide all Stage 1 documents to CDFW for review and determination if the proposed property is eligible to meet WJT conservation needs. If CDFW determines the property is eligible, it will notify the Consultant they may proceed to Stage 2.

Stage 2 (Property Acceptance) begins after CDFW determines the proposed property is eligible to meet WJT conservation needs. The Consultant will gather, review, and thoroughly evaluate all documents listed in Stage 2 and provide any packages they believe should move forward to CDFW. CDFW will review the documents and accept or reject the property. If the property is accepted, CDFW will notify the Consultant they may proceed with Stage 3.

Stage 3 (Property Protection and Closing Documentation) takes place after the property has been accepted as mitigation by CDFW. During this stage, the Consultant will complete or facilitate the completion, as applicable, of all transactions to protect the property by recording documents transferring fee title or a conservation easement and closing the real estate transaction. The Consultant will provide CDFW a copy of all closing documentation. If CDFW has agreed itself to acquire the property in fee title or to be grantee of the conservation easement, CDFW will forward the package to the Wildlife Conservation Board for processing of property protections and closing documentation. These transactions will be paid for with monies in the Western Joshua Tree Conservation Fund. 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.

# **PROCESS SUMMARY.** Items below may not be applicable in all cases. Subsequent pages provide details for each item.

# STAGE 1: Property Eligibility

## [Biological Report](#Biological_Report)

## [Habitat Management Land Title Information](#Habitat_Management_Land_Title_Info)

## [Preliminary Title Report](#Preliminarty_Title_Report)

## [Keyhole Markup Zip compressed (KMZ) Placement File of Assessor’s Parcel(s)](#KMZ_Placement_File)

## [Phase I Environmental Site Assessment Report](#Phase_I)

## [Mineral Risk Assessment Report](#Mineral_Risk)

# STAGE 2: Property Acceptance

## [Boundary/Improvements/Encumbrances Map](#BIE)

## [UPDATED Phase I Environmental Site Assessment Report](#Updated_Phase_I)

## (A). [DRAFT Grant Deed with Exhibit(s)](#Draft_Grant_Deed)

*OR*

## 9 (B). [DRAFT Conservation Easement](#Draft_Conservation_Easement_Deed) Deed with Exhibit(s)

## 10. [Checklist for Entities being Considered to Hold Conservation Easements or Manage and Steward Mitigation Land (Due Diligence)](#Due_Diligence)

## 11. [Traverse Closure Report](#Traverse_Closure_Report)

## [Draft Subordination Agreement(s)](#Draft_Subordination_Agreement)

## [Access Easement](#Access_Easement) or Documented Evidence of Existing Legal Access

## [Draft Management Plan(s) (e.g., Interim & Long-Term Management Plan)](#Draft_Management_Plan)

## [Updated Preliminary Title Report](#Updated_Preliminary_Title_Report)

## [Grantor’s Authority and Signatory Authorization](#Grantors_Authority)

**17. Grantee’s Authority**

## 18. [Pro Forma Title Insurance Policy](#Pro_Forma_Title_Insurance)

## 19. [Escrow Instructions](#Escrow_Instructions)

## 20. Appraisal

# STAGE 3: Property Protection and Closing Documentation

## [Digital Closing Package](#Digital_Closing_Package)

## [Final Long-Term Management Plan](#Final_LTMP)

# **PROCESS DETAILS.**

# STAGE 1: Property Eligibility Review

1. Biological Report: Describe the baseline conditions of biological resources on the proposed property, such as historical and current land use, vegetation communities, invasive plant or animal species, soil types, presence of water features such as streams or wetlands, habitats of special status and common species, observations of special status species, any species survey results, and any development on the property or other threats to biological resources. Specifically provide details regarding baseline conditions of the habitat and population of Western Joshua Tree and how the property would benefit its conservation. Biological report should specifically address the items in the Western Joshua Tree Conservation Lands Assessment.

2. [**Habitat Management Land Title Information**](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207699): Complete the [form provided](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207699) and include a copy of all unrecorded documents and/or interests affecting title (e.g., contract, lease, license, prescriptive easement, etc.). For a quick reference of title review tips please refer to this document [Title Report Review Tips for HMLA Processing.](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=212926)

3. Preliminary Title Report: Dated within 90 days of submission. Include hyperlinks to, and digital copies of, assessor’s parcel map, vesting deed, and all exceptions affecting title.

4. Keyhole Markup Zip compressed (KMZ) Placement File of Assessor’s Parcel(s): Data associated with the spatial features should include assessor parcel number(s) (APN) and project name. Identify layer as either property boundary/parcel or, if a portion of the property, the easement area.

5. Phase I Environmental Site Assessment Report: Refer to the CDFW [Phase I Reference](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202135) for important information on expired and stale reports.

6. Mineral Risk Assessment Report: Applicable when requested by CDFW. May apply when the property is within a sedimentary basin mapped for oil, gas or geothermal production by California Department of Conservation’s Division of Oil, Gas, and Geothermic Resources and/or mineral rights have been severed from the property. Report must provide a *mineral remoteness opinion* stamped and signed by a California Licensed Geologist.

**Upon review of the documents above, if CDFW determines the property is eligible, they will notify the Consultant that it may proceed to Stage 2.**

# STAGE 2: Property Acceptance

7. Boundary/Improvements/Encumbrances Map: Digital Map (24-in x 36-in PDF); must be stamped by a Licensed Land Surveyor per[BPC § 8726 (a) and 8761](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=15.&article=3.). Detail should show:

* 1. Resolved Boundaries Based on Field Surveys. Record boundaries (i.e., a desktop survey) may be sufficient if record deeds and maps exist to demonstrate the boundaries shown are without discrepancy and locatable. If the desktop survey method is accepted by the CDFW Land Surveyor, it must be accurately geolocated for digital submittal.
  2. Property Boundary. Even if a conservation easement will only restrict part of a property, provide the boundaries of the entire property with all encumbrances (e.g., easements, encroachments, etc.) affecting title re-traced.
  3. Conservation Easement Boundary. All conservation easement boundaries and encumbrances (e.g., easements, encroachments, etc.) affecting title re-traced.
  4. Improvements. All improvements (e.g., buildings, roads, fences, etc.) located in relation to the boundaries and encumbrances.
  5. Access. Legal access to the property and conservation easement area from a public right of way. If the property, conservation easement, or portions of the conservation easement area, are not accessible from a public right of way, show record references for access rights legally sufficient to provide access to grantee and all third-party beneficiaries. May be shown on a separate exhibit and does not have to be survey grade.

8. UPDATED Phase I Environmental Site Assessment Report: Refer to the CDFW [Phase I Reference](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202135) for important information on expired and stale reports. If requested by CDFW, provide either a new or updated Phase 1 Environmental Site Assessment Report.

9 (A). DRAFT Grant Deed with Exhibit(s): Applies when fee title will be granted to CDFW. Contact CDFW for grant deed sample (MS Word).

1. Exhibit A – Legal Description and Plat Map of Subject Property: Include all reference maps and deeds used to establish the boundary(ies) and create the legal description(s) and plat map(s).
   * 1. Legal description for subject property (PDF).
        1. Should match the legal description in the preliminary title report. If legal description does not match the preliminary title report, it must be prepared, stamped, and signed by a Licensed Land Surveyor.
     2. Plat map (8.5x11 inches, legible black and white PDF).
        1. Show all existing encroachments and encumbrances
        2. Show bearings and distances, references, and calls from the legal description, adjoiners, etc.
        3. Must be prepared, stamped, and signed by a Licensed Land Surveyor.
        4. If the legal description for Exhibit A refers to a record map (record of survey, parcel map, or subdivision map) or deed, include those references with the calculated acreage in the plat map.

*OR*

9 (B). DRAFT Conservation Easement Deed with Exhibit(s): Applies when a conservation easement will be granted. Contact CDFW for conservation easement sample; use MS Word track changes (redline) to show any changes to the sample. If the DRAFT conservation easement deviates from the sample, CDFW legal counsel will need to review it. Provide CDFW digital copies of all documents referenced in the draft conservation easement deed (e.g., Long-Term Management Plan).

1. Exhibit A – Legal Description and Plat Map of Entire Property: Include all reference maps and deeds used to establish the boundary(ies) and create the legal description(s) and plat map(s).
2. Legal description for entire property (PDF). Should match the legal description in the preliminary title report. If legal description does not match the preliminary title report, it must be prepared, stamped, and signed by a Licensed Land Surveyor.
   * 1. Plat map (8.5x11 inches, legible black and white PDF).
        1. Show all existing plottable encroachments and encumbrances.
        2. Show bearings and distances, references and calls from the legal description, adjoiners, etc.
        3. Must be prepared, stamped, and signed by a Licensed Land Surveyor.
        4. If the legal description for Exhibit A refers to a record map (record of survey, parcel map, or subdivision map) or deed, include those references with the calculated acreage in the plat map.
3. Exhibit B – Legal Description and Maps of Conservation Easement Area: Include Exhibit B, in addition to Exhibit A, if the conservation easement does not cover the entire property (i.e., partial property conservation easement). Include all reference maps and deeds used to establish the boundary(ies) and create the legal description(s) and plat map(s).
4. Legal description for the conservation easement area(s) (PDF).

### Must be prepared, stamped, and signed by a Licensed Land Surveyor.

### Should be described by metes and bounds with adjoiner and controlling calls, including calculated acreage.

### Plat map (8.5x11 inches, legible black and white PDF).

### Show all existing plottable encroachments and encumbrances affecting the conservation easement.

### Show bearings and distances, references and calls from the legal description, adjoiners, etc.

### Must be prepared, stamped, and signed by a Licensed Land Surveyor.

### If the legal description is not described by metes and bounds, then the plat map should show those resulting courses that will match the closure report of the conservation easement boundary.

1. CAD (computer aided design) file of the conservation easement area, preferably on the California State Plane Coordinate System.

**10.** **[Checklist](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=129953) for Entities being Considered to Hold Conservation Easements or Manage and Steward Mitigation Land (Due Diligence):** Government Code § 65967(c) requires a state or local agency to exercise due diligence when approving governmental entities, special districts, and non-profit organizations proposed to hold conservation easements or manage and steward mitigation lands. CDFW will review the qualifications of the entity(ies) proposed on a project-by-project basis. Because this determination is made on a project-by-project basis, CDFW may provide a [checklist](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=129953) for the Consultant to provide to entities proposed to hold conservation easements or manage and steward mitigation lands requesting a list of documents to review the entity’s qualifications. Document requests are based on (among other things) the entity type, previous submittals, and property specific information. For more information, see CDFW’s [Endowments and Mitigation Land Management website](https://wildlife.ca.gov/Conservation/Planning/Endowments-Mit-Land-Mgmt).

11. Traverse Closure Report: Prepared by, or under the direction of, a Licensed Land Surveyor. Applies when a Licensed Land Surveyor has prepared a legal description and plat map with their stamp and signature. Demonstrate the mathematical closure of the legal description and show acceptable closure error (e.g., gaps). Include all net parcels of the conservation easement area with precision and acreages stated.

12. Draft Subordination Agreement(s): May be applicable when there is a lien, mortgage, encumbrance, or other interest affecting title that may conflict or otherwise be inconsistent with the conservation easement. Draft subordination agreements may need to be reviewed by CDFW legal counsel.

13. Access Easement: May be applicable for some properties.

14. Draft Management Plan (e.g., Interim & Long-Term Management Plan): Include applicable restoration, interim, and long-term management plans that follow example(s) or other guidance provided by CDFW. Interim and long-term management plans must include monitoring and management actions for Western Joshua Tree and its habitat or other resources to ensure continued existence on the property in perpetuity. The long-term management plan must include an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the funding necessary to ensure the long-term management of the lands. The Consultant must provide a separate monitoring endowment assessment calculating the funding necessary to ensure in-perpetuity monitoring of the conservation easement. This monitoring endowment will be for the conservation easement grantee’s benefit.

15. Updated Preliminary Title Report: CDFW may request updates throughout Stage 2.

16. Grantor’s Authority and Signatory Authorization:Applies when fee title or a conservation easement will be granted to CDFW by a governmental entity or business. Written documentation (e.g., consent or resolution) verifying the grantor’s authority to convey the property interest and designating the authorized signatory(ies). If the grantor is an individual person or trust, authorization will be verified by the title and escrow company.

17. **Grantee’s Authority:** A certified resolution or other appropriate action of the governing board or governing body of Grantee, authorizing the execution of agreements to hold interest with the accepted property.

18. Pro Forma Title Insurance Policy: Pro forma (draft) title insurance policy with legal description(s) of the property interest to be insured and the name(s) of the grantee to be the insured. Legal descriptions in the pro forma should be consistent with the CDFW approved exhibit(s).

19. Escrow Instructions: To be reviewed by the Consultant and CDFW before the close of escrow. Instructions should direct the title and escrow officer to email the closing package, including digital copies of all recorded documents and closing statement, to CDFW. When CDFW is grantee, contact CDFW regarding escrow instructions. Any third party escrow instructions for NFWF’s deposit of monies from the WJT Fund to pay for the transaction are to be reviewed and approved by CDFW and NFWF.

20. Appraisal- All appraisals must be completed and signed by a State of California Certified Real Estate Appraiser who certifies that the appraisal is in compliance with the Uniform Standards of Professional Appraisal Practice as currently adopted by the Appraisal Standards Board of the Appraisal Foundation.

**Upon review of the documents above, if CDFW determines the property is acceptable, CDFW will notify the Consultant that it may proceed with Stage 3.**

# STAGE 3: Property Protection and Closing Documentation

21. Digital Closing Package: Include copy of title insurance policy, settlement/closing statement, recorded grant deed or conservation easement deed, and all other documents recorded at closing. When CDFW is the grantee, the Wildlife Conservation Board (WCB) reviews and processes the HMLA WJT funded property lands package for submission to escrow for closing. With this responsibility, the WCB requires additional documentation which includes a CDFW memo approving the WCB processing of the land package, Summary of Transaction, Certificate of Acceptance for signature, Escrow Instructions for signature, Preliminary Title Report, Explanation and Disposition of Title Exceptions, Environmental document in the form of a Notice of Exemption and if the mineral estate is severed a CDFW mineral risk determination. Additional, documentation may be required by WCB and will be handled on a project-by-project basis. Coordination with CDFW HMLA staff will be required for completion of additional WCB required documentation.

**22**. **Final Long-Term Management Plan:** Submit to CDFW.