

California

Forest Conservation Program

Program Application and Guidelines

2007



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Application Package

California's Forest Conservation Program

On November 7, 2006, the people of California enacted the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, commonly referred to as Proposition 84. As part of the people's initiative, the Act designated the Wildlife Conservation Board (WCB) as the lead agency for carrying out a grant program for forest conservation and protection projects.

Purpose and Authority – Forest Conservation Program

Pursuant to the provisions of Public Resources Code Section 75055 (a), the goal of the grant program is to promote the ecological integrity and economic stability of California's diverse native forests for all their public benefits through forest conservation, preservation and restoration of productive managed forest lands, forest reserve areas, redwood forests and other forest types, including the conservation of water resources and natural habitat for native fish and wildlife and plants found on these lands.

Guiding Principles

Guiding Principles are designed to facilitate the solicitation of applications that will achieve forest conservation efforts in a manner that promotes ecological integrity and economic stability. Applicants are encouraged to use the principles as benchmarks in completing the project application as they will be used as part of the evaluation and ranking process.

- Working forests/productive managed forestlands shall be the primary emphasis of the Forest Conservation Program.
- Forest reserve areas are an important component of California's diverse native forests and shall be part of the Forest Conservation Program.
- Each project must promote the restoration and/or the maintenance of the ecological integrity and economic stability of the property in the context of the surrounding landscape and regional economy.
- The project application must articulate in sufficient detail how the proposed project relates to an existing regional, state or local public or private planning process if applicable, and address the local priority and ecological need.

- Restoration efforts shall contribute toward the ecological integrity and economic stability of the native forest. Restoration projects must demonstrate the long-term protection of the restoration effort and be tied to the forest structure and sustainability. A long-term agreement to manage the restoration effort must coincide with the useful life of the improvements and restoration practices.
- Projects will be evaluated based on a process that ranks and prioritizes applications based on their ability to sufficiently describe how the project contributes toward the program goal, guidelines and selection criteria.
- Future management activities and or restoration investment should be from committed or clearly identified and articulated funding sources to be considered part of the project.
- Overall accomplishment of the program goal can best be achieved through projects that provide the greatest economic efficiency by using the best available tool. Applicants must clearly state the objectives of the project and describe how the project will achieve the stated objectives.

Definitions

To achieve the purpose and objectives of the Forest Conservation Program, the following terms have the following meaning:

“Acquisition” means the purchase or donation of a fee interest or any lesser interest in real property including easements and development rights.

“Board” means the Wildlife Conservation Board.

“Conservation Easement” means a legal agreement between a landowner and an eligible organization that restricts future activities on the land to protect the conservation values and is defined by Section 815.1 of the Civil Code that is perpetual.

“Compatible Use” is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following:

1. Management for watershed health and sustainability.
2. Management for fish and wildlife habitat or hunting and fishing.
3. A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.

Definitions, continued

4. The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities, that compliments the economic stability while maintaining the ecological integrity.
5. Grazing.

“Economic Efficiency” means achieving the greatest scope and scale of the possible ecological, economic, and social benefits, at the lowest possible economic cost.

“Ecological Integrity” means the capability of the forest to maintain:

1. Productive ecological capacity of the land, including the ability of the forest to fix carbon, cycle water, and retain nutrients.
2. Composition, structure and characteristics of the native forest type.
3. Ability of the ecosystem to recover from stress and disturbance.

“Economic Stability” means the project contributes to the resilience of the regional forest related economies as reflected in forest-based employment and outputs, and costs of goods and services. Regional economic stability is best achieved through investment in forest conservation projects that apply the principles of sustainable forestry, maximize available economic efficiencies, and are self-sustaining in the long term.

“Eligible Entity” means any public or private organization qualified to hold interests in real property, qualifies as a tax-exempt entity under IRC Section 501 (c)(3) and has as their primary mission the preservation and conservation of land.

“Forestland” means that at least 50 percent of the land or project area is stocked with native forests.

“Forest Reserve” means a forest area that is set aside for the protection of certain fauna, flora, other ecosystem services or some combination thereof. Reserves are managed primarily to safeguard these features or functions while providing for other compatible uses.

“Forest Restoration” is the process of assisting the recovery of forest species composition, stand structure and patterns of natural disturbance and ecological processes, to more closely approximate reference conditions. The primary focus of such restoration actions is to recover ecological integrity in order to minimize the need for future intervention. Restoration projects shall include the planning, monitoring and reporting necessary to ensure successful implementation.

Definitions, continued

“Local Public Agency” means any city, county, city and county, resource conservation district, special district, joint powers authority made up of two or more local public agencies and one or more state agencies.

“Long-Term Agreement” means a binding contractual agreement between a landowner, an eligible applicant (as defined), and the Wildlife Conservation Board, whereby the landowner agrees to manage and maintain forest improvements or restoration efforts for a designated period of time. Restoration grants are not awarded directly to a private landowner. Restoration projects must be coordinated with an eligible applicant who will receive the grant funds necessary to coordinate and implement the restoration effort.

“Native Forest” means a forest classified in the 1988 edition, or its approved successor equivalent, of **“A Guide to Wildlife Habitats of California”**, published by the California Department of Forestry and Fire Protection, and forests that are composed of the forests types within those classifications, and contains at least 10% canopy cover under natural (non-irrigated) conditions.

“Nonprofit Organization” means any nonprofit corporation qualified to do business in California, and qualified under Section 501(c)(3) of the Internal Revenue Code.

“Permanent Protection” means the land is dedicated to the goals of the Forest Conservation Program in perpetuity through control of fee interests or other interest in the real property including but not limited to easements, development rights, water rights and/or mineral rights.

“Productive Managed Forestland” means the native forest is managed for forest based products, services and other compatible uses.

“Timberland” means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

“Timberland Production Zone” or “TPZ” means an area which has been zoned pursuant to Government Code Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses.

Eligible Applicants and Partners

Eligible applicants include a willing landowner, a local governmental entity, special district, resource conservation district, joint powers authority, nonprofit organization (501(c)(3), or state agency. The WCB strongly encourages applicants to develop partnerships that share an interest in the project necessary to leverage technical and management skills, as well as fiscal resources.

Eligibility Requirements

To be eligible for funding consideration from the Forest Conservation Program, all proposed projects must meet the following eligibility requirements:

1. Acquisition of any interest in real property (fee title or conservation easement) must be from a willing seller supported by an appraisal that utilizes private market based assumptions consistent with State and if applicable, Federal appraisal standards. The interest must be held by an eligible entity. Special attention shall be paid to the assumptions of development value of un-entitled raw land.
2. The project must meet the goals of the Forest Conservation Program and comply with the Purpose and Guiding Principles of the Program.
3. The project must protect and/or restore native forests on the property.
4. Restoration efforts must demonstrate a long-term commitment and agreement to manage and protect the ecological integrity of the forest consistent with the goals and Guiding Principles of the program. Landowners will be required to sign a long-term agreement to manage the restoration project for the useful life of the restoration effort.

Administrative Process

Submitting Applications

Applications will be accepted on a continuous basis. All proposals will be evaluated by WCB staff and an independent team of Resource Agency professionals (with biological and forestry expertise).

Project proposals will be reviewed for compliance with program requirements and then ranked and prioritized against defined program guidelines and selection criteria. If the project merits further Board consideration, applicants will be notified as appropriate. Prior to submitting an application, applicants are encouraged to meet with staff from the WCB to discuss the proposed project.

If the proposed project demonstrates consistency with the program requirements, meets the program guidelines and selection criteria, and sufficient money exists to fund the request, the project may be scheduled for Board consideration. Applicants will be notified as to when the project will be considered by the Board. For questions regarding the Forest Conservation Program, please visit our website at www.wcb.ca.gov or call (916) 445-8448, for further information.

All applications should be mailed to the following:

Executive Director, Wildlife Conservation Board
1416 9th Street, Room 1266
Sacramento, California 95814

Baseline Conditions Report

Prior to the close of escrow for an acquisition project, a Baseline Conditions Report shall be prepared and delivered to the WCB office for review and approval. The Baseline Conditions Report shall provide detailed information on the condition of the property to be protected. The documentation (Baseline Conditions Report) shall be tailored to the purposes of the WCB Grant Agreement and the specific conservation values to be protected by the acquisition of the real interest in the property. Descriptions of the condition of the property and conservation values should be sufficiently detailed to allow for meaningful future comparisons.

The Baseline Conditions Report must be completed, signed and certified by the landowner(s) and the recipient of the WCB grant funds prior to the close of escrow. The certification must confirm that the Baseline Conditions Report is a current and accurate description and representation of the property, the health of its resources and conservation values, as of the closing.

The Baseline Conditions Report shall provide a narrative that characterizes the overall general condition of the conservation values protected by the acquisition of real interests in the property.

For purposes of baseline documentation, the report must provide descriptions that are clearly defined and sufficiently detailed to allow for meaningful future comparisons and must (a) describe and document the features and characteristics of the property in relation to the purposes, conservation values, and terms of any grant awarded by the WCB; (b) describe and document the conservation values and resources protected by the acquisition of interests in the real property; (c) contain all information necessary for the grantee to administer, monitor and enforce the conservation easement or grant deed; and (d) include a copy of the recorded conservation easement or grant deed.

Attachment I identifies the minimum requirements for the content of a Baseline Conditions Report.

Monitoring Requirements

Compliance Monitoring: On an annual basis, all projects funded in whole or in part by the WCB must be monitored for compliance with the terms and conditions of the WCB Grant Agreement, the conservation easement, the restoration grant agreement or any other instrument of conveyance as appropriate. Compliance monitoring shall note any changes to the property compared to the Baseline Conditions Report and the prior monitoring report.

Not less than once, in any period of three calendar years, WCB shall have access to the property to assess compliance with the terms, covenants and conditions of the WCB Grant Agreement, conservation easement, or other instrument of conveyance. To the extent possible, such visits will be scheduled at the time of the annual monitoring visit.

Monitoring Report: The easement holder, the holder of fee title or the grant recipient for restoration projects shall provide an annual written report of its monitoring activities and the results of such monitoring to the WCB in accordance with approved monitoring protocols. The monitoring report shall document and describe the monitoring activities in a manner that demonstrates the monitoring was conducted in accordance with the approved monitoring protocol.

Monitoring Protocol: Prior to the close of escrow, or final approval of the WCB Grant Agreement for restoration projects, the WCB will review and approve monitoring protocols for the protected property (in fee title or conservation easement) or restoration effort. Using the Baseline Conditions Report as a benchmark, the monitoring protocol should be adaptive and address the purposes, frequency, timing and methods of monitoring the property. The protocol is the framework that will guide the preparation for and implementation of the annual monitoring of the protected or restored land and must be tailored to address the purposes, terms and conditions of the WCB Grant Agreement.

Attachment II identifies the minimum content for monitoring protocols.

Forest Conservation Program Application Package

PART I GRANTEE AND LANDOWNER INFORMATION

PART II PROGRAM GUIDELINES AND SELECTION CRITERIA

PART III REQUIRED ATTACHMENTS

PART I

GRANTEE INFORMATION

Name of Applicant _____

Project Title _____

Project Manager _____

Mailing Address _____

Telephone Number: () _____

Facsimile Number: () _____

Email Address _____

Tax Payer ID Number: _____

Total Cost of Project: _____

Total Amount of Grant Request: _____

Type of Project: Please Check Appropriate Box

Acquisition Project [] Restoration Project [] Acquisition & Restoration []

LANDOWNER INFORMATION

Name of Landowner _____

Mailing Address _____

Telephone Number () _____

Facsimile Number: () _____

Email Address _____

Project Location: County _____

Nearest City and Major Crossroad _____

Senate District Number: _____ Senator _____

Assembly District Number: _____ Assembly Representative _____

PART II

Program Guidelines & Selection Criteria

Project Selection Criteria -- 2 Phase Selection Review Process

PHASE I: For all acquisition and restoration projects, proposals must demonstrate the ecological integrity of the project and its surrounding landscape and must advance the economic stability and address the economic efficiency of the project.

Project Description: Describe the existing condition of the project area, number of acres associated with the project, the habitat and habitat types found on the property and within the project area. Describe the problem and how the proposal will provide a solution to the stated problem. Please describe the specific goals and objectives of the project and how the project goals and objectives meet the stated Forest Conservation Program Guiding Principles. Please indicate the significance of the proposed project and why the project should be funded, including a statement of any consequences should the proposed project not be funded or funding is delayed.

Please provide a written narrative for each of the following items: Information should include current land use practices (including timber harvest operations), and if the project is funded, how the land use practices will change and how the project will achieve ecological integrity and economic stability and efficiency.

1. Describe how the project will advance ecological integrity of the property and its surrounding landscape.
2. Describe how the project will advance economic stability.
3. Describe how the project will achieve economic efficiency, and in consideration of such, how the project should be evaluated for its ability to leverage as feasible:
 - Private and philanthropic investment funds to reduce overall public funding and/or underwrite the productive economic value of the property.
 - Multiple public funding sources, especially non-state funding, as feasible in the project area.
4. Project applications requesting funds for the acquisition of fee interests, conservation easement interests, and/or restoration efforts shall be weighed and compared against the possible lower expenditures associated with the best tool designed to achieve most of, or all of the same program goal consistent with the Guiding Principles and eligibility requirements.

5. If this project will be used to reduce or sequester greenhouse gas emissions, please explain how. For example, is a carbon sequestration project already registered on the property or is such a project proposed to be registered in the future? Have carbon offset credits already been issued for the property? If a carbon sequestration project is already registered, what type of carbon sequestration project is it, i.e. avoided conversion, improved forest management, reforestation? How does the landowner intend to incorporate the conservation easement or the terms and conditions of the grant agreement, if a fee interest acquisition, into the carbon sequestration project? Please provide any additional information regarding carbon sequestration.

PHASE II: Consistent with Public Resources Code, Section 75071, acquisition or restoration proposals that address one or more of the following factors will be given additional consideration. Applicants should address in sufficient detail, how the proposed project facilitates and complements one or more of these factors.

1. Landscape/Habitat Linkages: Properties that link to, or contribute to linking, existing protected areas with other large blocks of protected habitat. Linkages must serve to connect existing protected areas, facilitate wildlife movement or botanical transfer, and result in sustainable combined acreage.
2. Watershed Protection: Projects that contribute to long-term protection of and improvement to the water and biological quality of the streams, aquifers, and terrestrial resource of priority watersheds of the major biological regions of the state as identified by the Resources Agency.
3. Under Protected Habitat: Properties that support relatively large areas of under-protected major habitat types. For projects funded from the Forest Conservation Program, the habitat types must be forestlands.
4. Habitat Linkages: Properties that provide habitat linkages between two or more major biological regions of the states
5. Matching Contribution: Properties for which there is a non-state matching contribution toward the acquisition, restoration, and stewardship or management costs. Matching contribution can be either monetary or in the form of services, including volunteer services. For purposes of the Forest Conservation Program, this option is supplemental to the economic requirements outlined in the eligibility requirements and the selection criteria.
6. Species Protection & Public Access: Project may conserve, restore or provide one or more of the following:
 - Rare or threatened native fish and wildlife habitat
 - Conserve or restore old growth forests
 - Protects/restores native forests, including forest producing wood and

related forest products that support sustainable native forest ecosystems and local economies

- Provides public recreation access that is compatible with forest ecosystems and economic uses

Climate Benefits

Consistent with the provisions of Fish and Game Code Section 1356, the WCB may consider and take into account the potential of projects that beneficially reduce or sequester greenhouse gas emissions. If this project will be used to reduce or sequester greenhouse gas emissions, please explain how.

Forest Conservation Restoration Projects

For proposed forest restoration projects, please answer the additional questions below and provide the requested materials. This information is in addition to the information requested above.

Project Description

Describe the existing condition of the habitat, the problem and how the proposal will provide a solution. Describe the resulting habitat(s), including acreage by habitat type.

Please attach project designs, plans, engineering drawings, and color photographs to help describe your proposal. All restoration projects will require the development and submission of a long-term management plan. For restoration projects on privately-owned land, please provide a legal description of the property.

Probability of Success

- 1) Was the area historically occupied by habitat comparable to that proposed for restoration?
- 2) Does the site contain the appropriate hydrology, soils, geography, etc. to support the proposed restoration effort? Please explain.
- 3) Does the project utilize methods and technologies that are understood and well documented? Please explain.
- 4) What are the expected maintenance methods and annual costs? Is there a public or private organization willing and able to perform the needed long-term management and maintenance? Please explain.
- 5) Please explain any biological or ecological monitoring planned to assess the effectiveness of the proposed project.

Project Significance

- 1) Is the project adjacent to state or federal land, such as a wildlife area, ecological reserve, national wildlife refuge, private wildlife sanctuary, county reserve, or any other protected area? If so, please identify the protected area.

- 2) Where is the project located in relation to existing similar habitat types of high quality? Please include a map showing the locations in relation to the project site.
- 3) Does the project provide a wildlife corridor connecting two larger protected areas or areas of high quality? Please explain.
- 4) Describe how the project affects adjacent land use and what may be the conflicting or complementary land uses. Describe how the adjacent land uses affect the project area, either conflicting or complementary.
- 5) Where is the project located in relation to agricultural areas and what is grown?
- 6) What species of fish or wildlife will benefit from the project?
- 7) Will the project benefit threatened or endangered species? Explain.

Public Support

- 1) Is the project supported by, consistent with, or in conflict with any local or regional plans? Identify the plan and explain.
- 2) Will the public have access to the project site? Please explain.
- 3) Will volunteers be used to implement the project, and if so, how will the applicant assure that plan specifications are followed?

Is the Project Ready to Go?

- 1) Is (are) the landowner(s) willing to allow the construction of the project and agreeable to maintaining the project for a minimum of 25 years?
- 2) Has the applicant obtained the necessary permits and completed the environmental documents for the project? Explain.
- 3) Are there complications (hazardous materials, etc.) that could delay the completion of the project? If so, please explain.
- 4) Has a long-term management plan been prepared and is the landowner willing to manage and maintain the property consistent with the terms of a management plan for 25 years? Please explain.

Importance of Prompt Implementation

- 1) Is there a significant risk the site or resource could be lost to development or other human exploitation? Explain.
- 2) Will the project solve a problem that, if allowed to continue, would be significantly more expensive to fix in the future? Explain.
- 3) Are other funds available that may be at risk if the project is delayed?

PART III

Required Attachments

Complete applications must contain the following attachments and certifications to facilitate the review of the grant request:

1. Project location map (regional and site specific).
2. Six color, 4 x 6 photographs of the project site.
3. A map that displays the following information: (1) the exterior boundaries of the entire property with corresponding parcel numbers, (2) the exterior boundaries and parcel numbers of the project site area subject to the acquisition or restoration effort, (3) the location of any proposed area of conversion and, (4) the regional landscape areas of importance in relation to the proposed project.
4. Please indicate the total number of acres associated with the entire property to be purchased in fee title, or if applicable, the number of acres subject to the terms and conditions of a conservation easement.
5. Name and mailing address of all adjacent landowners.
6. Name and mailing address of existing mineral right holders as identified in the county where the property is located.
7. Complete Appraisal Report, prepared in conformance with the Uniform Standards of Professional Appraisal Practices (USPAP), currently adopted by the Appraisal Standards Board of the Appraisal Foundation, establishing the fair market value of the fee interest and/or conservation easement value of the property. If the use of federal funds is contemplated as a source of funding for the project, the appraisal report must also comply with the Uniform Appraisal Standards for Federal Land Acquisitions (www.usdoj.gov/enrd/land-ack).

In addition to the USPAP and federal reporting requirements, the appraisal report must contain a timber appraisal component providing the fair market value of the timber contribution to the land including a confidence interval for timber inventories. In the valuation of the property using the income method the discount rate for calculating the net present value of future earnings needs to be disclosed, and an argument justifying its level. The appraisal should review timber harvest operations over the previous five years (or decade, depending on the frequency of harvest, and size of the property), with reference to costs, revenue and constraints; as well as review of any and all surveys, agreements, memoranda of understanding or other information pertaining to the Endangered Species Act or other permitted operations.

The appraisal must include a thorough discussion of zoning and other land use restrictions and status of entitlements for the referenced property and the surrounding property and local market.

The appraisal must be rational, reasonable and well documented. The appraiser must provide a through rationale, not simply conclusions for the appraised value. The appraisal must contain a rational basis for all determinations and the conclusions should be reasonable and based on available data that is substantiated. Research, data and conclusions must be well documented. Sufficient factual information must be provided so that a reviewer may follow the appraiser's rationale and conclusions.

At the discretion of the applicant and landowner, the appraisal can be submitted with the initial application however, this is not a requirement. Appraisals can be submitted for review after the applicant has been notified by WCB the proposal has met the minimum eligibility requirements and may be considered for further Board review.

8. In an attachment, please describe the specific monitoring plan for the property. To facilitate the review process, please describe and list activities that are prohibited, as well as any compatible uses that may occur.
9. Please provide a draft copy of the proposed conservation easement that will be used to protect the project site. The easement shall contain the information outlined in **Attachment III**, "Minimum Requirements, Conservation Easement Funded in Whole or in Part by WCB".
10. The WCB will obtain an independent review of the timber component contained in the appraisal. The independent review will be performed by an expert who is qualified to evaluate timber valuation. The appraisal report, together with the independent review, is subject to review and approval by the State Department of General Services, and if applicable, by the federal agency proposing to contribute federal funds to the project.

Required Certifications

1. The holder of the fee title, conservation easement or the recipient of WCB Grant Funds for restoration efforts hereby certifies and agrees to review and monitor the project site, no less than once every calendar year, for compliance with the terms and conditions of the WCB Grant Agreement, and further agrees to provide the WCB with a written monitoring report detailing the findings of the review.

2. The project applicant and the landowner hereby agree the sale of the fee interest or a conservation easement, or a restoration project is not required to satisfy a condition imposed upon the seller by any lease, permit, license, certificate, or other entitlement of use issued by one or more public agencies, including but not limited to, the mitigation of significant effects on the environment of a project pursuant to an approved environmental impact report or mitigated negative declaration required pursuant to the California Environmental Quality Act (Division 13 (Commencing with Section 21000)).

3. The project applicant and the landowner hereby acknowledge, unless otherwise specified in an attached Disclosure Statement, that there are no known or suspected environmental conditions associated with the property.

4. The landowner and applicant certify the proposed project is consistent with local governmental land use plans and zoning requirements.

We hereby certify and agree to the terms and conditions of the above requirements.

Applicant Certification:

_____ Date: _____

Landowner(s) Certification:

_____ Date: _____

_____ Date: _____

_____ Date: _____

Minimum Standards for Baseline Conditions Report

The Baseline Conditions Report must contain at a minimum, the following informational requirements:

1. Date. Date Baseline Report was prepared.
2. Preparer Information. Identity and qualifications of preparer(s) that demonstrates their experience, education and expertise relevant to the resources, features and characteristics being documented, including the Conservation Values and purposes of the Conservation Easement and the tasks necessary to prepare the Baseline Report.
3. Ownership Information. Name(s) and contact information of current Landowner.
4. Description of Property. General location and setting, natural features, current and historic land uses, presence and description of all improvements and other man-made features on the Property relevant to the purposes and terms of the Conservation Easement.
5. Resources and Conservation Values. Detailed description of the resources and Conservation Values of the Property, including all relevant features and conditions of the Conservation Values necessary to establish a baseline from which to monitor and enforce the purposes of the WCB Grant Agreement and Conservation Easement. The description may include ecological, scenic, historic, and landscape components, such as wildlife habitat, ecological, agricultural, historical, forested and/or open-space features and uses, and is to be provided using information sources and methodologies appropriate to the resources, features and conditions being addressed. Descriptions should be sufficiently detailed to allow for meaningful future comparisons.
6. Maps. Appropriate survey maps, such as from the United States Geological Survey, which identify the property lines. One or more maps that describe the boundary of each conservation easement area and the location of the conservation easement area(s) within the entire Property. The baseline maps should also depict the features of the Property that are relevant to the administration, monitoring and enforcement of the WCB Grant Agreement and Conservation Easement. Relevant features may include improvements and other man-made attributes (e.g., roads, fences, gravel pits), topography, vegetative cover, soil types, etc., as well as the site(s) of specific resources and Conservation Values protected by the Conservation Easement (e.g., protected vegetation, wildlife habitats, natural or scenic features). Mapping should be produced to a technical standard suitable for electronic reproduction and transmission, as appropriate, and at a scale adequate to

accurately depict the elements to be included. All mapping should be dated and identify the party responsible for preparing the mapping information.

7. Photographs. Photographs taken at appropriate points on the Property to document the baseline condition of the Property, the Conservation Values and the protected resources, and other features of the Property that are relevant to the administration, monitoring and enforcement of the WCB Grant Agreement and/or Conservation Easement, including aerial photographs as appropriate. With each photograph, text should be provided identifying the date of the photograph, the photographer, and what the photograph depicts. The geographic location from which each photograph was taken should be accurately recorded on a scaled map, with a directional arrow indicating the orientation of each photograph. An appropriate number of baseline photographs representing the purposes and Conservation Values of the project should be selected to serve as photo monitoring points designed to document significant changes over time or changes from the Baseline Report.
8. Certifications. Signed acknowledgment from Landowner and Grantee that the Baseline Conditions Report is a complete and accurate representation of the condition of the Property at the time the Conservation Easement is granted.
9. Instrument of Conveyance: Copy of the recorded Grant Deed or Conservation Easement.

Minimum Standards for Monitoring Protocol

The Monitoring Protocol must contain all information necessary for the recipient of the WCB Grant to monitor and assess compliance with the WCB Grant Agreement, including pre-monitoring preparation, monitoring activities, records and reports. The Monitoring Protocol must contain at least the following specific information:

1. Pre-Monitoring Activities. How frequently will the property be monitored? Under what circumstances will additional monitoring be required? How will the Landowner be contacted in the usual course of business? What information needs to be gathered or prepared in advance of the monitoring visit?
2. Monitors. Identify the required number, qualifications and training of monitors.
3. Purpose of Monitoring. The identified purpose of the monitoring effort must specifically relate to the purpose, terms and conditions of the WCB Grant Agreement and the Baseline Conditions Report.
4. Frequency and Timing. Specify frequency and timing (e.g., months or times of year appropriate to accurately assess the condition or track changes in the Conservation Values) of regular and special monitoring (e.g., in connection with changes of ownership or management of Property; possible violations observed during regular monitoring; enforcement of WCB Grant Agreement and Conservation Easement).
5. Procedures and Methods of Monitoring. Include on-site inspection of entire Property as well as aerial and on-ground photographs, plus other methods as appropriate in light of particular purposes, terms and conditions of the WCB Grant Agreement and Conservation Easement. Encompass selected photo points contained in the Baseline Report with a plan for when and how the selected photo points will be re-shot, plus criteria for additional photo points if appropriate. The photo monitoring points will be used to document significant changes over time and /or changes from the Baseline Report.
6. Monitoring Checklist and Plan. Provide monitoring checklist (with narrative as appropriate) and plan tailored to the purposes, terms and conditions, of the WCB Grant Agreement, Conservation Easement, and the Baseline Conditions Report. Identify items (including issues and observations) to be discussed in a narrative report, if appropriate. If the Property is large, address how regular monitoring visits will cover the large expanse.

7. Documentation. Discuss how monitoring activities and results will be described and documented. Each Monitoring Report must include at least the following information:
 - 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 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 Report. Photographs should be cross-referenced to the Baseline Report.
 - h. Description of site conditions relative to the terms, conditions and purposes of the WCB Grant Agreement, and Conservation Easement including any observable changes from the Baseline Conditions 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.
8. Post-Monitoring Activities. Describe plan for how, when and by whom the Monitoring Report will be prepared. How will checklists, notes, photographs and other items be retained, stored and managed? Describe storage, protection, back-up, retention and management of the Monitoring Report.
9. Response to Possible Problems or Violations. What will be the procedures in the event that a potential problem is identified in the field? When and how will notice be given to the Landowner and Grantor?
10. Changes. Describe circumstances in which changes to the Monitoring Protocol may be appropriate. When and how will any proposed changes be presented for consideration of approval by Grantor?

***MINIMUM REQUIREMENTS FOR
CONSERVATION EASEMENTS
FUNDED IN WHOLE OR IN PART BY WCB***

At a minimum, the conservation easement must address each of the following points:

1. PURPOSES OF CONSERVATION EASEMENT: The conservation easement and grant agreement shall contain a definition of Purpose that is consistent with the fiscal, legislative and programmatic requirements of the funding source(s) used to pay for the conservation easement. The defined purpose of the grant and conservation easement must be consistent, and identify the resources and conservation values to be protected.
2. PUBLIC POLICY: The conservation easement should provide a statement(s) of state and local public policies the conservation easement supports.
3. CONSERVATION VALUES: The conservation easement shall contain a definition and description of the resources and conservation values protected by the easement. The description and definition shall be consistent with the Baseline Conditions Report. The defined conservation values must be consistent with the intent of the fund source used to pay for the conservation easement, the program goals and objectives of the program from which the project is funded. For example, the following WCB programs have defined goals, objectives and specified legislative intent: The Oak Woodland Program, the Rangeland Program, the Inland Wetland Conservation Program, the California Riparian Program, the Tax Credit Program and /or the statutes authorizing the expenditure of funds.

The definition of the conservation values shall include sufficient detail that explains habitat types, particular species or resources identified for protection, i.e., wildlife, nature of the working landscape, agricultural, historical, cultural, archaeological or recreational values.

4. STANDARD RECITALS, WITNESSETH: Describe the owner in fee simple; provide a brief and general description of property; landowner's willingness to grant a conservation easement with restrictions; statement describing landowner's willingness to use property consistent with stated purpose, and adherence to terms, covenants and conditions of conservation easement.

5. GRANTEE AUTHORITY: Statement describing the easement holders authority to hold the conservation easement as defined by Section 170(h) (3) of the Internal Revenue Code, Section 815.3 of the California Civil Code and as certified by governing body of easement holder. Statement should express responsibility to monitoring and enforce the terms and conditions of the conservation easement.
6. LANDOWNER CONVEYANCE: Statement of what the landowner desires to convey for valuable consideration to assure the protection of the defined conservation values and purpose of the conservation easement.
7. BASELINE CONDITIONS REPORT: The conservation easement shall contain reference to the Baseline Conditions Report (Report). The Report must be signed and certified by the Landowner and Grantee, as representing a current and accurate description and representation of the protected property, its resources and conservation values. The Report shall be delivered to WCB prior to the close of escrow and become part of the internal acquisition file.
8. COMPLIANCE MONITORING: The conservation easement shall contain language that requires the easement area to be monitored by the easement holder at least annually to assess the condition of the property, including without limitation the conservation values and compliance with the conservation easement and purposes of the grant. The easement must also contain language that allows WCB access to the property no less than once in any period of three calendar years, to assess compliance with the terms, covenants, and conditions of the Grant Agreement between WCB and the easement holder.
9. MONITORING PROTOCOLS: Prior to the close of escrow, the easement holder shall develop monitoring protocols. At a minimum, the protocols shall address the terms and conditions of the conservation easement, the purpose of the easement and the conservation values. The protocols shall include a definition of impairment that in-part includes a statement that if the conservation values are reduced to such level they are no longer sustainable and render the purpose of the conservation easement void. The monitoring protocols shall be reviewed and approved by WCB.
NOTE: Monitoring protocols do not have to be identified in the conservation easement; however, they must be consistent with the defined purpose of the conservation easement and the defined conservation values.

10. MONITORING REPORT: Commencing one year after the close of escrow and every year thereafter, the easement holder shall provide a written report to WCB describing and assessing the condition of the Easement Area and condition of the conservation values. The monitoring report shall address each of the approved monitoring protocols, including an assessment of the conservation values.

TERMS, CONDITIONS AND RESTRICTIONS

11. GRANTOR RIGHTS: Statements describing the rights of the landowner to engage in land use practices that are consistent with and complimentary to the purpose(s) of the easement and the conservation values. Such statements shall prohibit activities that significantly impair, interfere or otherwise burden the sustainability of the conservation values.

12. GRANTEE RIGHTS: Statements of what the Grantor (Landowner) grants and conveys to the Grantee (either an NGO, State and/or third party) to accomplish the purposes of the conservation easement. Specific rights should be detailed, specific, enforceable and consistent with the purpose of the easement and applicable provisions of the WCB grant agreement.

13. PERMITTED USES: Statements of allowable or permitted uses of the property that are consistent with and complimentary to the defined purpose of the easement and the defined conservation values.

14. PROHIBITED USES: Statement of prohibited uses that would result in damage to or loss of value to the conservation values and purpose of the conservation easement. Statements shall include a general provision that specifies that prohibited uses are not an inclusive and exhaustive list and any activity or use that deters from or impairs the conservation values of easement is prohibited.

15. PRIOR APPROVED ACTIVITIES: Some land uses may or may not impair the conservation values. Prior approval from the easement holder must be obtained on questionable or unstated land uses. The easement should describe the process for obtaining prior approval from the easement holder and/or state.

16. APPLICABLE LAWS: The conservation easement shall contain a statement the landowner is responsible for complying with applicable laws.

17. PUBLIC ACCESS: If public access is allowed, the conservation easement should contain language stating that public access rights are created with the easement and specifically define those rights. If public access is not allowed, the easement should contain language stating that public access has not been created.

18. INDEMNIFICATION AND HOLD HARMLESS: The conservation easement shall contain language of indemnification and hold harmless on the part of the landowner.

19. OPERATION AND MAINTENANCE: The conservation easement shall contain language identifying the landowner as the responsible entity for all maintenance and operations of the property including the payment of applicable state, local and federal taxes.
20. TRANSFER OF EASEMENT RIGHTS: The conservation easement shall contain language prohibiting the sale, transfer, or exchange of easement interest (or portions thereof) without the prior approval of the WCB or its successor.
21. SUBORDINATE LIENS ON PROPERTY: Easement shall contain language that all liens must be subordinate to State.
22. SECURITY FOR DEBT: The conservation easement shall contain language stating the easement may not be used as security for any debt without the written approval of the State of California, acting through the WCB or its successor.
23. NOTICES: The conservation easement shall contain all applicable information for notifying the easement holder and the State. Notices must be in writing.
24. BREACH OF ESSENTIAL CONDITIONS: The conservation easement shall contain a description of the notification process in the event any terms, conditions, or covenants of easement are violated. The language shall describe conditions that constitute a default, i.e., cure within 90 days, if possible.
25. REMEDIES: The conservation easement shall describe in the event of a default, all remedies available to cure default. One such remedy must include the option that WCB may require the easement holder to convey its interests in the conservation easement to WCB or, at the election of WCB, to another entity or organization authorized by California law to acquire and hold conservation easements and which is willing and financially able to assume all of the obligations and responsibilities of the former easement holder.
26. TERMINATION OF EASEMENT HOLDER: If the easement holder is a nonprofit organization and the existence of the easement holder is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the State of California. However, prior to that termination, upon approval of WCB, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property by recording its acceptance of title in writing. Any deed or other instrument of conveyance whereby the real property is being acquired by a nonprofit organization shall be recorded and shall set forth the executory interest or right of entry on the part of the State of California.
27. COST OF ENFORCEMENT: The conservation easement shall contain a statement that any costs incurred by either party for purposes of correcting a default on the part of the landowner or the easement holder shall be borne by the losing party.

28. EXTINGUISHMENT: The conservation easement shall contain language stating the easement shall not be terminated or extinguished, in whole or in part, except through appropriate legal proceedings in a court of competent jurisdiction.
29. TERMINATION AND EXTINGUISHMENT: The conservation easement shall contain language that specifies how the distribution of funds will be made if any part of the property is taken by the exercise of eminent domain, or acquired by purchase in lieu of condemnation, to terminate the conservation easement in whole or in part. The language shall further specify that WCB and the easement holder may act jointly to recover from the condemning authority the full value of the easement holder's interest in the property. WCB shall be entitled to the share of the award, which equals the ratio of the WCB Grant Funds to the purchase price the easement holder paid to acquire the conservation easement.
30. SIGNAGE: The conservation easement must contain language that recognizes WCB participation in funding the easement and permits the posting of one or more sign(s) on the Property displaying the WCB logo.
31. AMENDING CONSERVATION EASEMENT: The conservation easement must contain language that specifies any amendment is subject to the approval of WCB, and that any amendment made without this approval is void. If the easement is modified (and approved by WCB), the easement shall be re-recorded with the County and a copy of the modified recorded easement provided to the State.
32. EXHIBITS: If the conservation easement allows specific activities to occur over the easement area, i.e., intensified agricultural uses, buildings, gravel quarries, etc., these land uses should be described and their general location identified on a map that is included as an Exhibit to the conservation easement. For example:
- Residential Envelope
 - Agricultural Building Envelope
 - Location of Existing Buildings
 - Intensified Agricultural Envelope
 - Gravel Quarries