

## Application to

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# Hold Conservation Easements and/or Manage and Steward Mitigation Land



This application will aid the California Department of Fish and Wildlife to exercise due diligence in reviewing the qualifications of an applicant to manage and steward land.

Dear Applicant,

When the California Department of Fish and Wildlife (CDFW) issues permits for a project, the project applicant may be required to transfer an interest in real property to CDFW or to another entity to mitigate the impact that the project will have on fish and wildlife resources. CDFW shall exercise due diligence in reviewing the qualifications of an entity seeking to hold conservation easements and/or manage and steward mitigation lands. Completion and submittal of this application will assist CDFW with its due diligence obligation.

We recommend you begin by answering the applicable questions in the application. A complete list of all possible attachments to the application is provided on page ii in the Attachment Checklist. The attachments will vary among Applicants; some Applicants may be required to submit all or only a subset of the attachments listed on page iii. Any blanks or missing documentation in the application may delay CDFW review or prevent the Applicant from qualifying. CDFW may request additional information during the review process. After completion, submit a hard copy along with an electronic format of the application, including all pertinent documents descriptively labeled in electronic format to:

State of California  
Department of Fish and Wildlife  
Habitat Conservation Planning Branch  
Attention: Landscape Conservation Planning Program  
P.O. Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4875

### ***Multiple Region application***

If you are applying to hold conservation easements and/or manage and steward lands in multiple CDFW Regions, please submit one application to Habitat Conservation Planning Branch (HCPB) to the address above. HCPB will distribute your application to the appropriate Region(s). After CDFW reviews your application(s), you will receive notification from HCPB as to whether or not you are qualified. Notification letters will indicate the Region(s) where you may hold conservation easement(s) and/or manage and steward lands. If you are determined to be qualified, your qualified status will expire five years from the date of the notification letter.

### ***Renewals***

When renewing your qualified status, CDFW encourages you to submit your application package(s) at least six months prior to the expiration date. Application material requirements are subject to change (i.e., statutory or regulatory amendments); therefore, please consult with HCPB prior to renewing your application to ensure you have the most recent version of this application. The most recent application will also be available online at

<http://www.wildlife.ca.gov/Conservation/Planning/Endowments>

### ***NCCP Implementing Entities***

If you are completing this application as an Implementing Entity for a Natural Community Conservation Plan (NCCP) permitted before January 1, 2012, you do not need to complete this application to hold conservation easements and/or manage and steward lands associated with fulfilling conservation or mitigation obligations of that NCCP. For those NCCPs permitted after January 1, 2012, the NCCP permitting process may satisfy CDFW's due diligence requirements and these Implementing Entities may not need to submit this application; this will be determined on a case-by-case basis in consultation with CDFW. NCCP Implementing Entities applying to hold or steward lands not associated with fulfillment of the NCCP's obligations (i.e., lands outside of the NCCP plan boundary and/or lands used as mitigation for projects not covered by the NCCP) will need to submit a completed application, but may find that submitting the NCCP annual report as part of the application will satisfy much of the required information.

## Attachment Checklist



A complete list of all possible attachments to the application is provided below. Applicants may be required to submit all or only a subset of the attachments in the checklist below. Please use the labels below in the submitted application.

Attached	Label	Question	Document Name
<b>B. General Information</b>			
<input type="checkbox"/>	B.4	4	List of staff members, their job titles and responsibilities, curricula vitae, and permits held for each species. List of consultants, etc., along with their qualifications, permits held for each species, job duties and responsibilities. (Copies of permits must be available upon request).
<b>D. Mitigation Land Management Applicants</b>			
<input type="checkbox"/>	D.8.a	8	Table of managed mitigation lands (current and anticipated through the end of current year).
<input type="checkbox"/>	D.8.b	8	For general information, include: property location by county, species and habitat types to be monitored/managed, and permit number(s), if applicable.
<input type="checkbox"/>	D.8.c	8	For reporting information, include: date monitoring reports are required, date reports were submitted, an explanation for any and all required reports that were not submitted or not submitted by the due date.
<input type="checkbox"/>	D.8.d	8	If performance standards were not met according to the monitoring/management requirements, include: date of discovery, discussion of problem and solutions, and date resolved. If not resolved, explain why.
<input type="checkbox"/>	D.9.	9	Table of habitat types managed in California
<input type="checkbox"/>	D.10.	10	Table of species managed in California
<input type="checkbox"/>	D.11.	11	A copy of three recent annual management and monitoring reports prepared by the Land Manager or, if unavailable, a template/ example that will be followed.
<b>E. Conservation Easement Applicants</b>			
<input type="checkbox"/>	E.14.	14	Easement monitoring policy, procedures and report
<input type="checkbox"/>	E.15.a	15	Enforcement policy or procedures
<input type="checkbox"/>	E.15.b	15	Violation remedy and reporting policy
<input type="checkbox"/>	E.16.	16	Amendment policy and procedures
<input type="checkbox"/>	E.17.a	17	Table of holdings (current and anticipated through the end of current year).
<input type="checkbox"/>	E.17.b	17	For general Information, include: grantor, third party beneficiaries, property location by county, permit number(s) as applicable.
<input type="checkbox"/>	E.17.c	17	For reporting Information, include: date easement compliance monitoring reports are required, dates reports were submitted, an explanation for any and all required reports that were not submitted or not submitted by the due date.

Attached	Label	Question	Document Name
<input type="checkbox"/>	E.17.d	17	For violations, include: date of discovery, date of occurrence, date violation was reported to third party beneficiaries, nature and remedy of any violation.
<input type="checkbox"/>	E.17.e	17	Table of transferred properties as of current year with an explanation why properties were transferred.
<b>F. Tax Status</b>			
<input type="checkbox"/>	F.18.	18	Letter evidencing Section 115 and 170(c)(1) status
<input type="checkbox"/>	F.19.	19	Appropriate IRS form and recent IRS Favorable Determination Letter number 1050, 1045, or 947
<input type="checkbox"/>	F.22.	22	Letter evidencing Registry of Charitable Trusts registration
<b>G. Financial Status</b>			
<input type="checkbox"/>	G.26.	26	Financial statements, financial reviews and/or audits, as applicable <b>FROM LAST THREE YEARS</b>
<input type="checkbox"/>	G.27.b	27.b	Annual fiscal reports <b>FROM LAST THREE YEARS</b>

## A. Applicant Contact Information

All applicants must complete Section A.

Organization/Business Name: \_\_\_\_\_

Organization/Business Type: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Website Address: \_\_\_\_\_

Application Date: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

## B. General Information

All applicants must complete Section B.

- 1) Choose the application type(s):
  - Manage and Steward Mitigation Lands (**complete sections A-D, F-H**)
  - Conservation Easement Grantee (**complete sections A-C, E-H**)
  
- 2) Is Applicant affiliated, accredited, and/or members of any association (For example, LTA accreditation or CCLT)?
  - Yes. Please explain:
  - No.
  
- 3) Is the Applicant registered and current in its filing to do business in California through the Secretary of State?
  - Yes.
  - No. Please explain:
  
- 4) Does the Applicant have staff members, and/or consultants with appropriate knowledge, skills, and abilities to carry out Applicants programs?
  - a) Number of permanent staff?

b) Use of educational institutions?

Yes. Please explain:

No.

c) Number of consultant?

d) Please describe Applicant's use of consultants.

e) Where is the base operations for the above staff (city and county)?

f) Is the staff experienced in managing the habitat and species to be managed on the mitigation land? Include a list of permits each staff holds.

Yes. Please explain:

No. Please explain:

g) Does the Applicant regularly evaluate its programs, activities, and long-term responsibilities to determine sufficient capacity (i.e., staff, volunteers, consultants) to carry out operations?

Yes. Explain and attach supporting documentation.

No. Please explain:

**B.4. Document(s) to submit: list of staff members, their job titles and responsibilities, curricula vitae, and permits held for each species. List of consultants, educational institution's principal investigator/professor (note if assistance of students), etc., along with their qualifications, permits held for each species, job duties and responsibilities. (Copies of permits must be available upon request).**

5) This application is to manage and steward mitigation land and/or to be grantee for Conservation Easements with respect to compensatory mitigation lands required by CDFW<sup>1</sup>:

R1 Northern Region

R2 North Central Region

R3 Bay Delta Region

R4 Central Region

R5 South Coast Region

R6 Inland Deserts Region


R7 Marine Region

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<sup>1</sup> Each Region will conduct independent reviews based on regionally specific factors, including, but not limited to, habitat types or species.




- 11) Monitoring and Management – Describe the Applicant’s property monitoring and land management experience. Explain how the Applicant plans to monitor, manage, and maintain the natural resource values on an annual basis. If the mitigation lands are to be monitored and managed in conjunction with an NCCP, please refer to the NCCP in your response:

 **D.11. Document to submit:** A copy of three recent annual management and monitoring reports prepared by the land manager or, if unavailable, a template/example that will be followed.

## E. Conservation Easement Applicants

**Applicants applying to be a grantee for conservation easements must complete Section E and then proceed to Section F. Applicants only applying to manage and steward mitigation lands can skip Section E and proceed to Section F.**

- 12) Does the Applicant meet the requirements to acquire and hold conservation easements pursuant to Civil Code section 815.3?
- Yes.
- No. Applicant does not meet qualifications.
- Not applying to hold conservation easement(s). **(Stop here. Proceed to Section F)**
- 13) Conservation Easement Baseline – Does Applicant prepare a Baseline Documentation Report at the time the easement is transferred? This document serves as the basis for comparison each time the property is monitored.
- Yes.
- No. Please explain:
- 14) Conservation Easement Monitoring – Explain the Applicant’s policy and procedures for annually conducting, monitoring, and reporting Conservation Easement compliance activity, including periodic title due diligence review.

 **E.14. Documents to submit:** conservation easement monitoring policy and procedures along with easement monitoring report form and/or checklist. The policy and procedures should cover, at minimum, the purpose, frequency and method of monitoring; documentation and record keeping; who should monitor; pitfalls to avoid; and how monitors should be trained.

- 15) Enforcement – Explain the Applicant’s written policy and/or procedures when responding to a potential violation of an easement or fee title (or reference applicable language from NCCP) and how the Applicant enforces the terms of the easement. Include the role of all parties involved such as Board members, staff, third-party beneficiaries, and any other party involved in any enforcement action.

 **E.15. Documents to submit:** a) enforcement policy and procedures, b) violation remedy and reporting policy.




16) Conservation Easement Amendments – Explain how the Applicant handles a request to amend an easement. Does the Applicant have a written policy and procedures?

- Yes. Attach a copy of the Applicant’s amendment policy.
- No. Please explain:

 **E.16. Document to submit: amendment policy and procedures.**

17) Provide an overview of fee title and conservation easement holder activities:

- Number of fee title now held by Applicant: \_\_\_\_\_ as of \_\_\_\_\_ (mm/dd/yyyy)
- Number of acres owned and protected in fee title held by Applicant: \_\_\_\_\_ acres
- Number of conservation easement now held by Applicant: \_\_\_\_\_ as of \_\_\_\_\_ (mm/dd/yyyy)
- Number of acres protected with conservation easements held by Applicant: \_\_\_\_\_ acres
- Number of conservation easements and/or fee properties **previously held** by Applicant and **transferred** to another organization or agency: \_\_\_\_\_ acres as of \_\_\_\_\_ (mm/dd/yyyy)

 **E.17. Documents to submit: (a) table of holdings (current and anticipated through the end of current year), (b) for general information include: grantor, third-party beneficiaries, property location by county, and permit numbers(s), as applicable, (c) for reporting information include: date easement compliance reports are required, dates reports were submitted, an explanation for any and all required reports that were not submitted or not submitted by the due date, (d) for violations include: date of discovery, date of occurrence, date violation was reported to third-party beneficiaries, nature and remedy of any violation, (e) table of transferred properties as of current year with an explanation why properties were transferred.**

## F. Tax Status

**Governmental entities must complete only question 18 in this section. Non-profit organizations must only complete questions 19 through 23 in this section. All applicants continue to Section G.**

18) Is the Applicant recognized by the Internal Revenue Service (IRS) as a governmental entity under Internal Revenue Code sections 115 and 170(c)(1)? Please provide a copy of the official determination of its status as a political subdivision, instrumentality of government, or whether its revenue is exempt under Internal Revenue Code sections 115 and 170(c)(1).

- Yes. Indicate and describe classification below:
  - State Agency
  - County
  - City
  - Joint Powers Authority
  - Special District
  - Other
- No. Proceed to next question.

 **F.18. Document to submit: letter from the IRS evidencing Section 115 and 170(c)(1) status.**

**Non-profits complete questions 19 through 23 below:**

19) Is the Applicant both exempt from income tax under Internal Revenue Code sections 501(a) and 501(c)(3) and not an organization described in sections 509(a)(1) through (4)?

Yes.

No.

 **F.19. Document(s) to submit: appropriate IRS form, recent IRS Favorable Determination Letter No. 1050, 1045, or 947.**

20) Has the Applicant's 501(c)(3) status ever been suspended or revoked?

Yes. Explain why and identify the remedial actions that were taken:

No. Proceed to the next question.

21) Is the Applicant a "qualified organization" as defined in Internal Revenue Code, section 170, subdivision (h), paragraph (3)?

Yes. Attach a copy of a recent IRS Favorable Determination Letter and explain how the Applicant fits under this definition:

No.

22) Is the Applicant registered with the California Registry of Charitable Trusts maintained by the Attorney General pursuant to Government Code section 12585?

Yes. Attach document evidencing registration.

No. Applicant does not meet the qualifications.

 **F.22. Document to submit: letter evidencing Registry of Charitable Trusts registration.**

23) Is the Applicant registered and current in reporting annual financial reports to the Attorney General's Office?

Yes.

No. Please explain:

## G. Financial Status

**All applicants must complete Section G.**

24) Financial Records – Does the Applicant prepare complete annual financial statements in compliance with Generally Accepted Accounting Principles (GAAP), Government Accounting Standards (GAS), and, if applicable, federal and state reporting requirements including the Uniform Supervision of Trustees for Charitable Purposes Act (Gov. Code, §§ 12580-12599.8)?

Yes.

No. Please explain:

25) Financial Review or Audit

Does the Applicant meet federal and state filing requirements, such as filing IRS Form 990, and have an annual financial review or audit, by a qualified financial advisor, in a manner appropriate for the scale of the organization and consistent the Uniform Supervision of Trustees for Charitable Purposes Act?

- Yes.
- No. Please explain:

26) Indicate how Applicant completes an annual financial review or audit:

- Fiscal year gross revenue of \$2,000,000 or more, prepares annual financial statements using GAAP, that are audited by an independent CPA as required by Gov. Code section 12586, subdivision (e)?
- Governmental entity with a fiscal year gross revenue of \$2,000,000 or more, that are audited by an independent CPA to the Governmental Accounting Standards.
- Fiscal year gross revenue less than \$1,000,000, prepares financial review or audit of year-end financial condition?
- Financial review completed by CPA.
- Financial compilation completed by CPA or qualified individual.
- None. Please explain or clarify:

 **G.26. Documents to submit: financial statement, financial reviews and/or audits, as applicable from LAST THREE YEARS.**

27) Fiscal Reports

a) Is Applicant currently holding endowments for CDFW?

- Yes.
- No.

b) If Applicant is currently holding endowments for CDFW, is Applicant in compliance with submittal of annual fiscal reports to CDFW?

- Yes.
- No, please explain

 **G.27.b. Documents to submit: annual fiscal reports from LAST THREE YEARS.**

**H. CERTIFICATION**

I the undersigned certify that the information provided is correct and true to the best of my knowledge. I understand that any false statement herein may subject the Applicant to suspension or revocation of its eligibility to hold mitigation endowment funds. Further, if qualified, the Applicant agrees to promptly report any substantive changes in legal status, purpose, or activities to CDFW.

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Signature

(Print name)

Date

**RELEASE**

I the undersigned, certify (or declare), under penalty of perjury under the laws of California that the foregoing is true and correct, that I do hereby authorize CDFW to contact the IRS; CA: FTB, SCO, BOE, EDD, DOJ and Attorney General to verify that there is no active investigation of our organization at this time.

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Signature

(Print name)

Date