

PERMITTEE CHECKLIST OF DOCUMENTS FOR HABITAT MANAGEMENT LAND PROPERTY REVIEW AND PROTECTION

The California Department of Fish and Wildlife (CDFW) requests documents to help evaluate property proposed by Permittees as Habitat Management Land Acquisitions (HMLA) to comply with CDFW permits and approvals (e.g., incidental take permits, lake or streambed alteration agreements, etc.). CDFW Regional staff, as well as a CDFW Senior Right of Way (SROW) Agent and Land Surveyor, will review the documents provided before the property is protected by conveying fee title or a conservation easement over the property. ***Early consultation with CDFW is encouraged.***

In Stage 1 (Property Eligibility), CDFW Regional staff conduct a site visit and review property-related documents to determine if the proposed property is eligible to meet permit mitigation requirements, including acreage and biological suitability. If CDFW determines the property is eligible, the Region will notify the Permittee that they may proceed to Stage 2.

Stage 2 (Property Acceptance) begins after CDFW determines the proposed property is eligible to meet permit mitigation requirements. Updates and additional documents will be requested at this time to evaluate the full HMLA package. CDFW Regional staff, SROW Agent, and Senior Land Surveyor review the documents and provide recommendations to the Regional Manager who will accept or reject the property as mitigation. If the property is accepted, the Region will notify the Permittee 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 property will be protected by recording documents transferring fee title or a conservation easement and closing the real estate transaction. This stage ensures that CDFW has a copy of all closing documentation for permit compliance.

Submit all documents electronically, with file names following the document names in this checklist, to the [CDFW Regional Office](#) that serves the project area. Within the document, reference the project name and CDFW permit number. Use of an FTP site is encouraged for efficient electronic transfer of files.

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

STAGE 1: Property Eligibility

1. **Biological Report**
2. **Habitat Management Land Title Information**
3. **Preliminary Title Report**
4. **Keyhole Markup Zip compressed (KMZ) Placement File of Assessor's Parcel(s)**
5. **Phase I Environmental Site Assessment Report**
6. **Mineral Risk Assessment Report**
7. **Items Completed by CDFW**

STAGE 2: Property Acceptance

8. **Boundary/Improvements/Encumbrances Map**
9. **UPDATED Phase I Environmental Site Assessment Report**
- 10 (A). **DRAFT Grant Deed with Exhibit(s)**
OR
- 10 (B). **DRAFT Conservation Easement Deed with Exhibit(s)**
11. **Checklist for Entities being Considered to Hold Conservation Easements or Manage and Steward Mitigation Land (Due Diligence)**
12. **Traverse Closure Report**
13. **Draft Subordination Agreement(s)**
14. **Access Easement or Documented Evidence of Existing Legal Access**
15. **Draft Management Plan(s) (e.g., Interim & Long-Term Management Plan)**
16. **Updated Preliminary Title Report**
17. **Grantor's Authority and Signatory Authorization**
18. **Pro Forma Title Insurance Policy**
19. **Escrow Instructions**

STAGE 3: Property Protection and Closing Documentation

20. **Digital Closing Package**
21. **Final Long-Term Management Plan**

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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 the target species (e.g., Covered Species in the incidental take permit) or other target resource (e.g., riparian habitat) and how the property would benefit the conservation of the target species or other resource.
- 2. Habitat Management Land Title Information:** Complete the [form provided](#) by CDFW. Return the information to the CDFW Regional Office that serves the project area. Include a copy of all unrecorded documents and/or interests affecting title (e.g., contract, lease, license, prescriptive easement, etc.).
- 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](#) for important information on expired and stale reports.
- 6. Mineral Risk Assessment Report:** Applicable when requested by CDFW Region. 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.

7. Items Completed by CDFW:

- a) Site Visit. CDFW Regional staff will conduct a site visit to evaluate property eligibility, including acreage and biological suitability. Items 1-6 are used to inform the site visit. CDFW Regional staff will submit documentation of the site visit to the SROW.
- b) Appendix D. Completed with input from the Mineral Risk Assessment Report.

If CDFW determines the property is eligible, Regional staff will notify the Permittee that it may proceed to Stage 2.

STAGE 2: Property Acceptance

- 8. Boundary/Improvements/Encumbrances Map:** See the [Land Survey Reference](#). Digital Map (24-in x 36-in PDF); must be stamped by a Licensed Land Surveyor per [BPC § 8726 \(a\) and 8761](#). Detail should show:

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- a) 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.
- b) 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.
- c) Conservation Easement Boundary. All conservation easement boundaries and encumbrances (e.g., easements, encroachments, etc.) affecting title re-traced.
- d) Improvements. All improvements (e.g., buildings, roads, fences, etc.) located in relation to the boundaries and encumbrances.
- e) 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.

9. UPDATED Phase I Environmental Site Assessment Report: Refer to the CDFW [Phase I Reference](#) for important information on expired and stale reports. If requested by CDFW, provide either a new or updated Phase 1 Environmental Site Assessment Report.

10 (A). DRAFT Grant Deed with Exhibit(s): Applies when fee title will be granted to CDFW/the State. Contact CDFW for grant deed sample (MS Word). See the [Land Survey Reference](#).

- a) 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).
 - i) 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.
 - ii) 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, adjoining, 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

10 (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). See the [Land Survey Reference](#).

- a) **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).
- i) 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.
 - iii) 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, adjoining, 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.
- b) **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).
- i) Legal description for the conservation easement area(s) (PDF).
 - (1) Must be prepared, stamped, and signed by a Licensed Land Surveyor.
 - (2) Should be described by metes and bounds with adjoiner and controlling calls, including calculated acreage.
 - ii) Plat map (8.5x11 inches, legible black and white PDF).
 - (1) Show all existing plottable encroachments and encumbrances affecting the conservation easement.
 - (2) Show bearings and distances, references and calls from the legal description, adjoining, etc.
 - (3) Must be prepared, stamped, and signed by a Licensed Land Surveyor.
 - (4) 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.
 - ii) CAD (computer aided design) file of the conservation easement area, preferably on the California State Plane Coordinate System.

11. [Checklist](#) 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 Regional staff 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](#) 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](#).

12. 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.

13. 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.

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

15. Draft Management Plan (e.g., Interim & Long-Term Management Plan): Include applicable restoration, interim, and long-term management plans required by the permit that follow example(s) or other guidance provided by CDFW. Interim and long-term management plans must include monitoring and management actions of the target species 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. When CDFW will be the grantee of a conservation easement, the Permittee must provide a monitoring endowment assessment calculating the funding necessary to ensure in-perpetuity monitoring of the conservation easement. This monitoring endowment will be for CDFW's benefit. See permit for more details.

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

17. Grantor's Authority and Signatory Authorization: Applies when fee title or a conservation easement will be granted to CDFW/the State 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.

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 CDFW SROW Agent 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 the CDFW Regional staff and CDFW SROW Agent. When CDFW is grantee, contact CDFW SROW Agent regarding escrow instructions.

If the property is accepted, the Region will notify the Permittee that it may proceed with Stage 3.

STAGE 3: Property Protection and Closing Documentation

20. 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.

21. Final Long-Term Management Plan: Submit to CDFW Regional office.