

## Checklist for Entities being Considered to Hold Conservation Easements or Manage and Steward Mitigation Land

Pursuant to Government Code section 65967, subdivisions (a) and (c), when CDFW issues a permit or other approval for a project, the project applicant may be required to transfer an interest in land to mitigate the impacts of the project on fish and wildlife resources. Entities holding conservation easements or managing mitigation lands must be approved by CDFW's regional office(s). Government Code §§, 65965-65968 requires CDFW to exercise due diligence when approving governmental entities, special districts, and non-profit organizations applying to hold conservation easements or manage and steward mitigation lands.

Additionally, pursuant to its regulatory permitting authority under the California Endangered Species Act, Fish & G. Code, § 1600, et seq., and other statutes, CDFW has authority to approve or disapprove all entities, including land managers, seeking to hold conservation easements (CEs) or manage mitigation lands when issuing any permit that requires the permittee to acquire mitigation lands to mitigate any adverse impact upon natural resources caused by the permitted activity. Those permits include, but are not limited to, lake and streambed alteration agreements (Fish & G. Code, § 1602(a)(4)(B)) and incidental take permits (Fish & G. Code, § 2081, subd (b)(2)).

In the context of a specific permit or approval issued by CDFW, CDFW's regional permitting staff must undertake a project-by-project review to determine if the entity proposed for those roles and responsibilities has the qualifications and capacity to hold conservation easement(s) and/or manage and steward the specific mitigation land(s) at issue.

1. Items requested are checked as Yes (Y) in the greyed "CDFW Requested" column. Documents checked and highlighted in yellow (Y ) are only needed if there has been a change since the entity last submitted documents for a due diligence review, see date of document on file in greyed column. Items checked No (N) are not requested at this time or are not applicable.
2. Please complete the "**Attached**" column by checking Yes/No (Y/N) if the document is attached.
  - a. No Changes: If the document requested is highlighted in yellow and there has not been any change since the date provided, the entity can check the "**no change**" box. That document will not need to be resubmitted.
3. Once the checklist and documents are ready for submittal, contact CDFW Region staff for directions on uploading the documents.
  - a. **Please separate and descriptively label and number (associated with the checklist below) all attachments.**
  - b. **Sign the certification statement at the end of the checklist.**
4. CDFW may request additional information or further explanations during the review process.
5. Once CDFW makes a final determination, CDFW will provide the entity with written confirmation of the approval or denial of the entity's requested role for the listed project.

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

Entity Name: \_\_\_\_\_

Permit Number & Project Name: \_\_\_\_\_

CDFW Region:  Northern Region 1       North Central Region 2       Bay Delta Region 3  
 Central Region 4       South Coast Region 5       Inland Deserts Region 6

Entity Role(s):  Land Manager       CE Grantee  
 Fee Title       Endowment Holder- stewardship endowment (#34-37)

#	CDFW Requested (Date of previous submittal)	Entity Attached	Document
ENTITY		GENERAL	DOCUMENTATION
1	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	A copy of the <a href="#">California Certificate of Good Standing from the Secretary of State</a> .
2	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Statement of entity's purpose, as it pertains to management and stewardship of natural lands and/or resources and how it relates to the proposed conservation activities. <u>Attach</u> : Articles of Incorporation and the Bylaw of organization.
3	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	List of staff members, their job titles and responsibilities, resume or curricula vitae (Resumes/CVs only required of staff related to mitigation land management- admin, outreach, etc. not required).
4	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	List of consultants, and/or educational institution's principal investigator/professor (note if assistance of students), etc., along with their qualifications, job duties, and responsibilities.
5	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>For governmental entities and special districts</b> , self-certification that the entity is in good standing with the IRS and tax-exempt under sections 115 and 170(c)(1) of the IRS code. (Self-certify by checking applicable Y or N box on the box to the left. No documentation required.)

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#	CDFW Requested (Date of previous submittal)	Entity Attached	Document
6	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>For non-profits</b> , self-certification that the entity is in good standing with the IRS and is exempt from income tax under IRS code sections 501(a) and 501(c)(3). <i>(Self-certify by checking applicable Y or N box on the box to the left. No documentation required.)</i>
7	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	If the entity has been investigated or reviewed by the Internal Revenue Service, the Attorney General of California, or the California Tax Franchise Board (except for routine application for non-profit incorporation or tax-exemption status, please attach an explanation. Include: <ul style="list-style-type: none"> <li>• whether the matter has been resolved and</li> <li>• the manner in which it was resolved.</li> </ul>
8	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Copy of accreditation letter and certificate from the Land Trust Alliance (LTA) Commission or membership acknowledgement letter from the California Council of Land Trust (CCLT).
9	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Written documentation evidencing <a href="#">Registry of Charitable Trusts registration</a> from the Attorney General.
<b>BOARD OF DIRECTORS</b>			
10	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Provide the Board of Directors resumes and duty statements.
11	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Submit the Board of Directors most current adopted <i>Conflict of Interest Policy</i> .
12	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Submit a letter disclosing any past or current relationship, business affiliation, or financial connection between any of the

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			entity's board members, officers, officials, employees, or agents and the project proponent, any contractors or consultants of the project proponent, the proposed grantor, the proposed grantee, or the proposed land manager.
13	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	The organization's policies and guidelines for staff decisions concerning acquisitions.
<b>MITIGATION LAND MANAGED</b>			
14	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	A map of mitigation land(s) being managed (current and anticipated through one year from today) including major landmarks (cities, towns, major roads, etc).
15	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	<p>Table of managed mitigation lands include:</p> <ul style="list-style-type: none"> <li>a. Property location (by county and CDFW Region) and size (by acres),</li> <li>b. Property status (current, or anticipated through one year from today),</li> <li>c. Name of endowment holder</li> <li>d. Mitigation type (e.g., ITP, LSAA, or CEQA) with permit number(s) or reason for conservation,</li> <li>e. Land management roles and activities (e.g., land management, fee title or CE grantee, restoration/enhancement),</li> <li>f. List of species managed and monitored and species designation (rare, fully protected, species of special concern, candidate, state or federally listed as threatened, or endangered, other non-listed species), and</li> <li>g. List of habitat types monitored/managed</li> </ul> <p>(<a href="#">Properties List Template</a> is not required for this question but can help the entity provide the information needed.)</p>

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16	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Land Management annual reports: <ul style="list-style-type: none"> <li>• Were all management reports submitted to the third party beneficiary and/or grantee in the last 5 years? Y <input type="checkbox"/> N <input type="checkbox"/></li> <li>• Were any reports submitted late?</li> <li>• If so, number of reports late or not submitted in the 5 years.</li> <li>• An explanation for required reports that were not submitted or not submitted by the due date.</li> </ul> ( <a href="#">Properties List Template</a> is not required for this question but can help the entity provide the information needed.)
17	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/> None to report <input type="checkbox"/>	Were any monitoring or management objectives <b>not</b> achieved in the last 5 years? Y <input type="checkbox"/> N <input type="checkbox"/> If yes, for all properties include: <ul style="list-style-type: none"> <li>• Date of discovery,</li> <li>• The circumstances that led to this,</li> <li>• The alternative steps taken to meet the intent of the requirement and or mitigate the risk,</li> <li>• How the requirement is typically complied with, and</li> <li>• Date resolved and, if not resolved, explain why.</li> </ul> ( <a href="#">Properties List Template</a> is not required for this question but can help the entity provide the information needed.)
<b>NON-MITIGATION CONSERVATION LAND - MANAGED</b>			
18	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	A map of non-mitigation land(s) being managed (current and anticipated through one year from today).
19	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Table of managed non-mitigation lands include: <ol style="list-style-type: none"> <li>Property location (by county and CDFW Region) and size (by acres),</li> <li>Property status (current, or anticipated through one year from today),</li> </ol>

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			c. Land management activities, d. List of species managed for and species designation (rare, fully protected, species of special concern, candidate, state or federally listed as threatened, or endangered, other non-listed species), and e. List of habitat types monitored/managed  ( <a href="#">Properties List Template</a> is not required for this question but can help the entity provide the information needed.)
<b>LAND MANAGEMENT</b>			
20	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	List any permits or MOUs held by staff members or consultants to conduct mitigation land activities.
21	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	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>CE GRANTEE</b>			
22	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	A statement on how Grantee meets the requirements of <a href="#">Civil Code § 815.3</a> to acquire and hold conservation easements.
23	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Copy or template of a baseline documentation report.
24	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Conservation easement monitoring, procedures, and reporting policy along with easement monitoring report form or checklist (include who enforces terms and when monitoring occurs).
25	Y <input type="checkbox"/>	Y <input type="checkbox"/>	Enforcement policy or procedures.

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	N <input type="checkbox"/> [Date]	N <input type="checkbox"/> No Change <input type="checkbox"/>	
26	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Violation remedy and reporting policy, including how and when third party beneficiaries are notified of violations.
27	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Amendment policy and procedures.
<b>CE GRANTEE PROPERTIES</b>			
28	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Map of mitigation land(s) for which the entity is grantee for CE (current and anticipated through the end of current year). If the entity is not grantee to mitigation land, include a map of any non-mitigation land held.
29	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Table of mitigation land(s) for which the entity is grantee for the CE: <ul style="list-style-type: none"> <li>a. Property location by county and CDFW Region,</li> <li>b. Property status (current, anticipated through the end of current year, or transferred),</li> <li>c. Name of endowment holder,</li> <li>d. Grantor and third-party beneficiaries, and</li> <li>e. Mitigation type (e.g., ITP, LSAA, or CEQA) with permit number(s) or reason for conservation.</li> </ul> ( <a href="#">Properties List Template</a> is not required for this question but can help the entity provide the information needed.)
30	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Annual Conservation Easement Monitoring Reporting information over last 5 years: Are reports being submitted in accordance with the agreed upon schedule required or

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			<p>pursuant to the agreement(s) (e.g. BEI, ITP, LSAA)? Y <input type="checkbox"/> N <input type="checkbox"/></p> <p>Any reports submitted late or not submitted Y <input type="checkbox"/> N <input type="checkbox"/>? If yes, how many? _____</p> <ul style="list-style-type: none"> <li>• An explanation for required reports that were not submitted or submitted late.</li> <li>• Provide compliance information if reports were not submitted or late.</li> </ul> <p>(<a href="#">Properties List Template</a> is not required for this question but can help the entity provide the information needed.)</p>
31	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/> None to Report <input type="checkbox"/>	<p>If any, list all violations:</p> <ul style="list-style-type: none"> <li>• Date of discovery and occurrence.</li> <li>• Date violation was reported to third-party beneficiaries, nature and remedy of any violation.</li> </ul> <p>(<a href="#">Properties List Template</a> is not required for this question but can help the entity provide the information needed.)</p>
32	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/> None to Report <input type="checkbox"/>	<p>If mitigation land(s) were transferred to another entity within the past year, then provide an explanation. Are any properties to be expected to be transferred to another entity a year from today? If so, please explain.</p> <p>(<a href="#">Properties List Template</a> is not required for this question but can help the entity provide the information needed.)</p>
<b>ENDOWMENT INFORMATION</b>			
33	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	<p>A statement on how endowment holder meets the criteria to hold endowments as required in <a href="#">Government Code § 65968 (b)(1)</a>.</p>

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34	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Self-certification letter as outlined in <a href="#">Government Code § 65968(e)(1)-(5)</a> .
35	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Annual endowment fiscal reports as required in <a href="#">Government Code § 65966(e)</a> .
36	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	Table of associated endowments and assumed capitalization rate for each property.
<b>OTHER</b>			-
37	Y <input type="checkbox"/> N <input type="checkbox"/> [Date]	Y <input type="checkbox"/> N <input type="checkbox"/> No Change <input type="checkbox"/>	

Acceptable signatures include scanned wet signatures or digital signatures such as DocuSign.

**ENTITY 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 Entity to suspension or revocation of its eligibility to hold conservation easements, manage mitigation lands, and hold and manage endowment funds. Further, if approved, 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 \_\_\_\_\_