



Center for Natural Lands Management
PROJECT EVALUATION CHECKLIST
(Due Diligence and Acquisition Considerations)

Project: _____ Preserve Manager: _____

Proponent: _____ Agencies: _____

PAR Code: _____ Preserve Code: _____ HQ Reviewer: _____

Project Description: _____

Contact: _____

Tel: _____ Fax: _____ Email: _____

Contact: _____

Tel: _____ Fax: _____ Email: _____

Due Diligence Matters:

- ☐ **Project background**
 - ☐ Proponent sponsorship (ID interest holders)
 - ☐ Project description and history
 - ☐ Agency jurisdiction and involvement
 - ☐ permit(s)
 - ☐ CEQA/NEPA
 - ☐ NCCP, HCP, MSHCP
 - ☐ Other (including binding, non-disclosed contracts)
 - ☐ CNLM involvement/engagement
 - ☐ PAR
 - ☐ Other conservation stewardship/land trust involvement
 - ☐ Crux issue(s): _____
- ☐ **Title and survey matters**
 - ☐ Preliminary commitment for title insurance
 - ☐ Exceptions to title identified by commitment
 - ☐ Boundaries
 - ☐ survey
 - ☐ GIS
 - ☐ Encroachments

- Dimensions
 - ✧ property
 - ✧ habitat(s)
 - Accuracy of legal description
 - Easements
 - ✧ trial (pedestrian/equestrian)
 - ✧ road
 - ✧ utility
 - ✧ table of easements
 - ✧ Plot of easements
 - Rights-of-way
 - Reservations
 - ✧ mineral rights
 - ✧ water rights
 - ✧ rights of passage
 - ✧ other
 - Water rights (claimed; perfected; adjudicated)
 - ✧ surface
 - ✧ subsurface
 - Improvements (apparent, concealed)
 - ✧ slope modifications
 - ✧ abandon wells, sumps
 - ✧ other
 - Certification of survey
 - Parcel map
 - Vicinity map
 - Other
 - ✧ Setbacks
- ☐ **Historical land use**
- Public records
 - Oral history
- ☐ **Zoning and current land uses**
- Entity(ies) w/ jurisdiction
 - Use compliance w/ zoning regulations
 - Permitted uses
 - Prohibited uses
 - "Open space"
- ☐ **Property taxes and assessments**
- *Ad valorem* taxes
 - Assessments, special districts, and other levies
 - County rules on property taxes exemptions for non-profits
- ☐ **Special purpose government jurisdiction**
- Sensitive biological areas (SBA) or critical habitats
 - Landscaping
 - ✧ fuel management
 - Other
- ☐ **Site visit and physical inspection**
- Surrounding area characteristics

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- ✧ land uses
 - agricultural, residential, commercial, industrial
 - open space
 - ✧ activities
 - dirt biking; ORVs
 - other
- Access to property
 - ✧ physical access
 - ✧ legal limitations
- Impacts on natural setting (e.g., light pollution)
- ☐ **Other legal restrictions**
 - Leases (e.g., grazing leases), reservations, licenses
 - Permits (other than environmental)
 - MOUs
 - CC&Rs for HOAs and COAs
 - ADA requirements
 - Other contracts (e.g., telecommunication site leases)
- ☐ **Financial information**
 - Transferor/transferee financial health
 - User fees
 - Encumbrances (mortgages, liens)
- ☐ **Appraisals and market analyses**
- ☐ **Authority to transfer interest (in fee or conservation easement)**
 - Private individual owner
 - Public/private corporate owner (board resolution)
 - Public agency owner
- ☐ **Conservation and environmental assessments**
 - Natural resources inventory
 - ✧ geology
 - ✧ water resources
 - ✧ other
 - "Biological Opinion"
 - Baseline biological survey (habitat value/estimate/exception)
 - Environmental assessment
 - ✧ standard or limited ASTM Phase I
 - ✧ ASTM Phase II
- ☐ **Landowner disclosures**
 - Required
 - ✧ non-compliance matters
 - ✧ pending litigation
 - ✧ MOUs or agreements with permitting or general purpose jurisdictions
 - ✧ other
 - Other material matters
 - ✧ "clouds on title"

- ☐ **Liabilities and Litigation risks**
 - Damages to natural resources
 - Personal injury
 - Damages to personal property
 - Trespass / attractive nuisance
 - Unauthorized occupancy
 - Potential for 3rd party lawsuits and exposures
 - Pending legal actions

- ☐ **Insurance** (requirements, costs, coverage, limits, availability)

Considerations:

- ☐ **Data sources consulted**
 - Proponents
 - Regulatory agencies
 - Public records
 - Personal network

- ☐ **Structure and complexity of transaction**
 - Conservation easement
 - ✧ grantor
 - ✧ grantee
 - CNLM
 - other nonprofit
 - agency (city, county, special purpose, state)
 - ✧ third party beneficiaries
 - Fee title holder
 - Preserve management
 - ✧ CE compliance monitoring/defense of CE
 - ✧ inventorying
 - ✧ restoration, enhancement
 - ✧ reintroduction
 - ✧ invasive pest control
 - ✧ public use-related activities
 - Financing
 - ✧ PAR
 - ✧ transaction overhead charge
 - ✧ I&C
 - ✧ legal fund
 - ✧ endowment
 - ✧ donations
 - ✧ conveyance fees/transfer fees

- ☐ **Site characteristics**
 - Physical
 - Biological
 - Ecosystem processes
 - Physical improvements, previous modifications
 - Management history
 - Current site issues
 - Constraints on management

- ☐ **Document preparation/review**
 - PAR
 - Endowment
 - Management and funding agreement
 - Conservation easement
 - Deed restrictions
 - Fee title transfer
 - Purchase and sale agreement
 - Access easements
 - Escrow instructions
 - “Side” letters
 - CC&Rs
 - Disclosures
 - Subordination agreement
 - Services agreement
 - Management plan
 - Summary of transaction

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