

*Regional Conservation Authority***APPROVAL OF POLICIES AND PROCEDURES  
FOR NEGOTIATION OF HANS ACQUISITIONS****Staff Contact:****Brian Beck, Principal  
Development Specialist  
(951) 955-0039****Background:**

On December 4, 2006, staff presented draft policies and procedures for negotiation of HANS (Habitat Evaluation and Acquisition Negotiation Strategy) acquisitions. The Board asked staff to revise the draft policies to address concerns raised by the Board and public with respect to streamlining the policies. Pursuant to Section 6.1.1 (B) (2) of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), staff shall enter into negotiations with the property owner for up to 120 days, when a portion or all of the property is identified for conservation. The attached revised policies clarify that the 120-day negotiation period shall commence upon receipt by the RCA of the property owner's concurrence with the joint appraisal instructions and the property owner's written permission to access the property for due diligence evaluations by RCA and its agents. The 120-day negotiation period may be extended only by the mutual consent of the property owner and RCA. Staff has reviewed the revised draft policies with representatives of the Building Industry Association. The revised draft policies have been approved as to form by Legal Counsel, and staff recommends approval.

**Staff Recommendation:**

That the Executive Committee:

- 1) Recommend adoption of the attached modification to the Land Acquisition Policies to the Board of Directors; and
- 2) Authorize staff to agendize this matter for the April 2, 2007 meeting of the RCA Board of Directors.

**Attachment:**

Section 1.08 Policies and Procedures for Negotiation of HANS Acquisitions

**ATTACHMENT**  
**Agenda Item No. 9**

**Section 1.08 Policies and Procedures for Negotiation of HANS Acquisitions**

The purpose of these policies and procedures is to establish general guidelines for the negotiation of HANS acquisitions, consistent with Section 6.1.1 (B) (2) of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The following policy shall apply to properties where a development application or pre-application has been submitted to the permittee and the RCA has concurred.

- (a) Initiation of the 120-Day Negotiation Period. The 120-day negotiation period provided under Section 6.1.1(B)(2) of the MSHCP will begin upon receipt by the RCA of the Seller's concurrence with the joint appraisal instructions and Seller's written permission to access the property for due diligence evaluations by RCA and its agents.
  
- (b) During the 120-Day Negotiation Period.
  - (i) RCA will perform due diligence evaluations (i.e., appraisal, environmental hazards assessment and preliminary title report) and negotiate a purchase and sale agreement with the Seller.
  
  - (ii) The Seller may suspend the negotiating time period, provided that they have submitted a letter to the RCA requesting that the negotiations be suspended. In such event, the negotiating time period will only resume upon receipt of a letter from the Seller requesting that the negotiations resume.
  
- (c) After the 120-Day Negotiation Period. If at the end of this 120-day period, agreement between the parties is not achieved, each party shall submit in writing the party's proposed resolution of terms. Further, the Seller, along with the RCA, may agree to extend negotiations for an appropriate period of time if necessary. If either the Seller or the RCA does not agree to extend negotiations, the Seller may (a) elect to withdraw selling the property to RCA, or (b) commence the Conflict Resolution Process as described in Section 6.1.1 of the MSHCP.
  
- (d) The procedures and timelines set forth herein are for guidance only, and deviations therefrom by the RCA shall not provide Seller with any damage rights or remedies against the RCA.