Funding Conservation in Idaho:

A Survey of Federal, State & Local Resources Assisting Conservation on Private Lands

Version 1.0 (June, 2015)

University of Idaho College of Law Economic Development Clinic
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About This Publication

This publication was researched by third-year law students enrolled in the University of Idaho College of Law's Economic Development Clinic during the 2014-2015 academic year. The Clinic was the recipient of an unprecedented access to many of the State's best minds in conservation through the guidance of the Idaho Coalition of Land Trusts. Thanks go to Kenneth McClure, Givens Pursley, who helped make the connection between the Clinic and ICOLT; David H. Anderson, an attorney and board member of the Land Trust Alliance, who conceived of this project; and Laurel Sayer, Idaho Coalition of Land Trusts, who gave generously of her time and introduced the Clinic to a talented group of conservation professionals. Among those who talked to the Clinic were Wade Brown, USDA Natural Resources Conservation Service; Mike Edmondson and Sam Eaton, Idaho Governor's Office of Species Conservation; Gregg Servheen, Idaho Department of Fish and Game; William S. Whelan and Sus Danner, The Nature Conservancy; Jessica E. Jay, Conservation Partners; and John A. Seiller, an attorney in Ketchum, Idaho working with the Wood River Land Trust. Students in the Clinic that researched this report were Stephen Goldstein, Ben Loewen, and Kemp Smith. Any and all errors are those of the Clinic alone; please report errors, or suggested revisions, to Prof. Stephen R. Miller at millers@uidaho.edu.

About the Idaho Coalition of Land Trusts

Idaho has a strong tradition of land trust and land conservation excellence. All members of ICOLT comply with Land Trust Alliance Standards and Practices as a condition of membership. These Standards and Practices are organizational operating guidelines that ensure professional integrity and quality. Upholding these standards helps Idaho's conservation organizations meet their perpetual responsibility to uphold the conservation values of Idaho's irreplaceable landscapes.

Eight of ICOLT's members are accredited by the national Land Trust Accreditation Commission. They are: The Nature Conservancy, the Wilderness Land Trust, Teton Regional Land Trust, Vital Ground, Sagebrush Steppe Land Trust, Wood River Land Trust. Lemhi Regional Land Trust, and Kaniksu Land Trust. Several other of Idaho's land trusts are currently engaged in the accreditation process.

Land trusts negotiate voluntary agreements with landowners that limit commercial development and residential subdivision of the property. In essence, land trusts acquire, and then retire, development rights of the property. Conservation easements have potential federal estate tax and federal income tax benefits for landowners. Many land trusts work with local, county and federal programs that provide public funding for land conservation. Some land trusts have active trails and outdoor recreation programs.

Idaho land trusts have assisted private landowners in conserving over 315,000 acres in the state, and thanks to federal conservation tax incentives and the quality work of land trusts, the pace of private land conservation has increased in recent years.

About Laurel Sayer, Director, Idaho Coalition of Land Trusts

Laurel Sayer comes to the Idaho Coalition of Land Trusts after working for 20 years with Idaho Members of Congress. For the last 16 years, she worked in Idaho as the director of Natural Resource issues and policy for Congressman Mike Simpson. Congressman Simpson served as chair of the Appropriations Interior and other Related Agencies subcommittee. This provided Laurel the opportunity to work directly with agency heads providing input on project priorities. She also worked with agency partners, non-profits in the private and public sector, local governments, businesses and individuals. Ms. Sayer's experience and connection with policy makers and industry groups throughout the State are incredible assets in helping land trusts assist Idaho's landowners.

Ms. Sayer's expertise is in building consensus amidst diverse opinions and political ideologies of key stakeholders in a variety of situations. She has developed a proven record successfully creating meaningful relationships with local, state, regional and federal government agencies. This resulted in consistently creating positive public and private partnerships and funding for various projects.

In her personal life, Ms. Sayer has been active in her community, volunteering at many levels. She served on the Greater Idaho Falls Chamber of Commerce from 2003 to 2009, serving as chair from 2007 – 2008. She was appointed by the Governor to the Idaho Commission on the Arts, and served as vice chair from 1999 to 2014. Ms. Sayer also served as chair and vice-chair of the Idaho Falls Arts Council from 1999 – 2012, working on two separate capital campaigns.

Thanks to her lifelong passion for the outdoors, Ms. Sayer developed an interest in land trust work while working in Congressman Simpson's office. She understands how important the land is to landowners who care about their heritage of the land, the wildlife that they share the land with, and the need to have a sustainable production. Ms. Sayer is committed to help build a sustainable Idaho Coalition of Land Trusts that will provide Idaho landowners with the tools they need to fulfill their vision of the land and its uses.

About the University of Idaho College of Law Economic Development Clinic

This publication was written by third-year law students enrolled in the University of Idaho College of Law's Economic Development Clinic under the supervision of the Clinic's director, Prof. Stephen R. Miller. The Clinic focuses primarily on projects for local governments in Idaho; however, from time-to-time, the Clinic also produces guidance documents on topics of general interest. Typically, such publications arise as a result of individual client representation and seek to focus on conveying information not otherwise readily available to the Idaho legal community.

In 2013, the Clinic received the Planning Excellence Award for Best Practice from the Idaho chapter of the American Planning Association for *Area of City Impact Agreements in Idaho*. In 2014, the Clinic released *Agritourism at the Rural-Urban Interface: A National Overview of Legal Issues with 20 Proposals for Idaho*. The Clinic also helped bring New Markets Tax Credits

to Idaho, which has funded over $60 million in investment in low income communities throughout the state.

About Stephen R. Miller, Director, Economic Development Clinic

Stephen R. Miller joined the faculty of the University of Idaho College of Law in 2011. Prof. Miller's academic works have been published by or are forthcoming from Cambridge University Press, *Harvard Environmental Law Review*, *Harvard Journal on Legislation*, and a number of other law reviews and professional journals. In 2013, he was named Faculty Advisor of the Year by the Idaho Law Review and also received the Alumni Award for Faculty Excellence. Prof. Miller can also be found at Land Use Prof Blog and @LandUseProf.

Prof. Miller received his undergraduate degree from Brown University, a master's degree in city and regional planning from the University of California, Berkeley, and his J.D. from the University of California, Hastings College of Law. Prof. Miller is also a commissioner on the Boise City Planning and Zoning Commission.

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Executive Summary

The purpose of this publication is to provide a guide to the most common funding resources available for conservation on private land in Idaho. Such conservation on private land often takes the form of an easement—such as a conservation or agricultural easement—that purchases certain development rights of the property while leaving other rights—for instance, the ability to operate a farm or ranch—with the property owner. In order for the transaction to occur, though, there needs to be a funding source that will pay the private property owner for the property rights that he or she is selling. While some states, such as Colorado, heavily subsidize conservation on private lands through mechanisms such as alienable tax credits, Idaho has relatively few state-enabled mechanisms devoted to such conservation funding. As a result, it can be difficult to connect Idaho private property owners interested in conservation with the tools necessary to help them achieve their goals. This publication seeks to introduce some of the most commonly used conservation funding mechanisms available to Idaho private land owners.

In the sections that follow, each of the conservation funding sources is presented in some detail; in addition, the source materials on the Internet from which this report was written are hyperlinked, which will permit a reader to quickly gain access to primary source documents about each conservation funding source.

While the goal of this publication is to introduce major funding sources for conservation, the private land owner seriously interested in conservation should also contact a local land trust—or federal or state official, where relevant—to learn more about how these funding mechanisms might apply to a specific property. To assist this process, the descriptions of funding sources here also provide names and contact information for conservation professionals in Idaho that are best equipped to assist private land owners in understanding a particular funding source. In addition, this document also provides a brief description of each federal agency, Idaho state agency, as well as all of the land trusts that are members of ICOLT operating within Idaho. Private land owners seeking to understand their conservation funding options would find these agencies and land trusts a good place to start the process, in addition to the advice of legal counsel.

Despite the obvious need for a publication such as this, we know of nothing else like it in the country. Certainly, there are plenty of spreadsheets of funding sources, and plenty of lists of bite-sized descriptions of funding sources. However, there is little that bridges the gap between summary lists and detailed, practitioner-oriented detail. Given the increasing complexity—and importance—of private land conservation, the need for some middle-ground publication, which would explore and introduce funding sources and how they work, seems an increasing necessity. This guide seeks to be a beginning of such guidance for the State of Idaho.

The complexity of such a project, we realize, is challenging: what is of value is details, and details of each funding source often change from year-to-year. Sometimes these changes are minor—a new form required by an agency—but sometimes they are structural and arise from the whims of Congress or federal agency priorities. This ever-changing target of regulations governing conservation funding is thus not very amenable to the typical publication schedules of books or even most journals. In drafting this publication, we recognized that these complex changes occurring in the conservation funding field would quickly date this material. That is why we are labeling this "Version 1.0," with the presumption that small iterative changes will be necessary, as well as occasional major revisions. Despite the hurdles presented by the field's rapid change, this publication seeks to present funding for conservation in Idaho as it is at a moment in time and, the hope is, this document will be updated on at least a yearly basis to keep it relevant as a resource to Idaho's conservation community. To assist us in making these changes, we request that you let us know of any errors in the existing edition, as well as any changes that occur to the funding sources described in this publication. Please send all notices to Prof. Miller at millers@uidaho.edu. Over time, this document will become a collective effort—and a collective resource—for the Idaho conservation community that will improve with each version.

Several limitations of this publication should also be noted. First, this publication does not offer a detailed description of the theory or practice of conservation funding on private lands. For those seeking a better understanding of conservation funding options, the resources section at the back of this publication provides several options for learning the basics about conservation easements, agricultural easements, and other conservation funding options. Second, it is worth noting that, because only a few of the programs assisting conservation in Idaho are specific to the State, this guide may also prove useful to others across the country seeking to better understand conservation funding sources. However, this guide explicitly chose not to discuss some important conservation funding tools relevant to coastal areas, and thus readers of this guide outside of Idaho should also consult with their local conservation funding leaders—often residing in the same or similar federal and state agencies, as well as national land trust organizations—that can provide guidance for other regions.

Permitted Uses with Common Conservation Funding Sources in Idaho

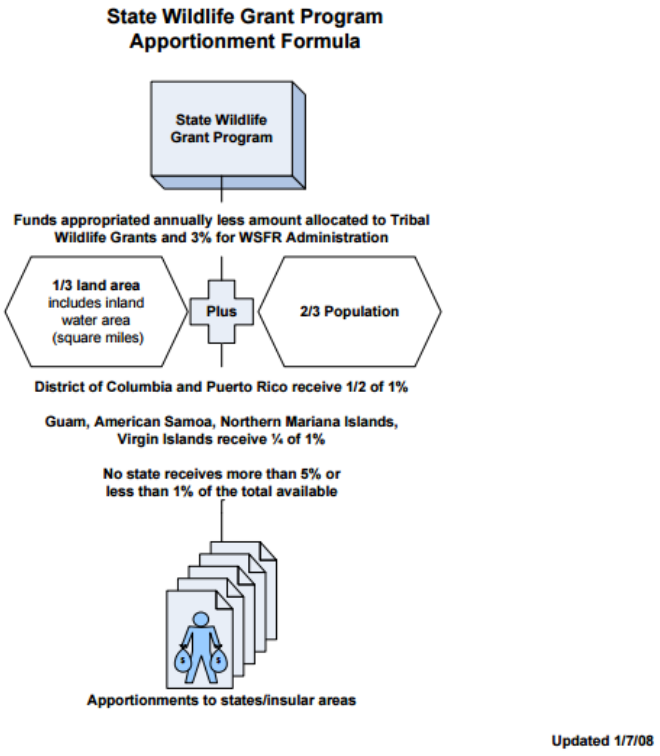
[This chart provides general guidance only. See program descriptions for detailed description of uses.]

	Ranching & Agriculture	Multi-Use	Endangered Species	Wildlife	Public Recreation	Hunting & Fishing	Pollution Management	Forests
State Wildlife Grants Program (SWG)	●	●	●	●		●		
North American Wetlands Conservation Act (NAWCA)	●	●		●				
Pacific Coastal Salmon Recovery Fund (PCSRF)	●	●	●					
Partners for Fish and Wildlife Fund (PFWF)	●	●	●	●				
Recovery Land Acquisition (RLA)	●	●	●					
Land and Water Conservation Fund – State Grants (LWCF-SG)	●	●			●			
National Fish Passage Program (NFPP)	●	●						
Cooperative Endangered Species Fund (CESF)	●	●	●			●		
Environmental Quality Incentives Program (EQIP)	●	●	●					
Forest Legacy Program (FLP)	●	●			●			●
Bonneville Power Administration (BPA) – Wildlife Mitigation	●	●	●	●				
Conservation Stewardship Program (CSP)	●	●						
Clean Water Act Section 319 Funds	●	●					●	
Agricultural Conservation Easement Program (ACEP) – Wetland Reserve Easements (WRE)	●	●						
Agricultural Conservation Easement Program (ACEP) – Agricultural Land Easements (ALE)	●	●						
2001 Boise Foothills Levy		●			●			
Blaine County Land, Water & Wildlife Program	●	●		●	●			

State Wildlife Grants Program

Purpose of the program: The purpose of the State Wildlife Grants Program (SWG) is to provide federal grant funds for developing and implementing programs that benefit wildlife and their habitats, including species not hunted or fished. U.S. FISH & WILDLIFE SERV., *State Wildlife Grant – Overview [SWG Overview]*. Priority is placed on projects that benefit species of greatest conservation concern. *Id.*

Program Funding Priorities: SWG funds the development and implementation of projects for the benefit of fish and wildlife and their habitats, including species that are not hunted or fished. Priority is placed on projects that benefit species of greatest conservation concern. A formula is used to prioritize projects based on their level of conservation concern. IDAHO FISH & GAME, *State Wildlife Grant Apportionment Formula*. A visualization of this funding apportionment provided by the U.S. Fish and Wildlife Service is provided below:



Congress appropriates funds for the SWG on an annual basis. *SWG Overview*.

Description of Funding Availability: Funds distributed in Fiscal Year 2015 totaled $45,732,171 to qualifying States and territories ranged from $114,959 to 2,299,199. U.S. FISH & WILDLIFE SERV., *2015 State Wildlife Grants Apportionments*. In Fiscal Year 2015, Idaho received $547,191 in SWG Funds. *Id*. Grants funds are disbursed to States for approved grants at a maximum federal share of 75% for Planning grants and 65% for Implementation grants. *SWG Overview*. Territories are exempt from these matching fund requirements. *Id.*

Application Procedures:

Eligibility. Agencies from the 50 States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of Guam, the U.S. Virgin Islands, and American Samoa with primary responsibility for fish and wildlife conservation may submit grant proposals to the U.S. Fish and Wildlife Service if they maintain a current, Service-approved Comprehensive Wildlife Conservation Plan (also known as a State Wildlife Action Plan). *See SWG Overview*. Idaho's document that fulfills this requires is the *Idaho Comprehensive Wildlife Conservation Strategy*, which was submitted to the U. S. Fish and Wildlife Service for review on September 30, 2005 and was accepted by the Service in February 2006. IDAHO FISH & GAME, *Comprehensive Wildlife Conservation Strategy*.

Application Process. As noted above, the State, District of Columbia, Commonwealth, or territory must have a Service-approved Comprehensive Wildlife Conservation Strategy (also known as a State Wildlife Action Plan) on file to receive grant funds. *SWG Overview*. The Plan must consider the broad range of the State, the District of Columbia, Commonwealth, or territory agencies' wildlife and associated habitats, with appropriate priority placed on those species of greatest conservation need. *Id.*

Private parties seeking access to SWG Funds should consult the office or official designated as the single point of contact in his or her State, the District of Columbia, Commonwealth, or territory for more information on this process. *Id.* Contact information in Idaho is provided at the end of this summary.

Ranking. The Regional Director of the U.S. Fish and Wildlife Service or his or her designee approves or disapproves proposed projects. Regional offices are responsible for notification of grant approval to the grantee.

Implementation. Applications for SWG formula grants typically receive an approval or disapproval notice with approximately 30-60 days, while applications for competitive SWG grants typically receive such a notice within approximately 120 days. As for appeals, Regional Directors will consider differences of opinion concerning the eligibility of proposals. Final determination rests with the Director of the U.S. Fish and Wildlife Service. Grantees may renew projects on an annual basis if justifiable and if funds are available.

Idaho Locations Where Funds Are Used or Prioritized: In evaluating a 2014 proposal by the State of Idaho, the following statement was made by the U.S. Fish & Wildlife Service: "In a 2013 paper published in the journal CONSERVATION BIOLOGY, researchers pointed out that emphasis on

wildlife linkages in the State Wildlife Action Plans was often cursory despite the fact that they collectively listed habitat fragmentation as a leading threat. Addressing this issue for Idaho, the agency will develop a regional connectivity map, develop crucial habitat data layers for at least 14 Species of Greatest Conservation Need, and increase the usability and accessibility of the Plan by improving Idaho Department of Fish and Game's web sites and applications. United States Fish and Wildlife Service, *FY 2014 Competitive States Wildlife Grants Program Recommended Projects*, Pg. 3 (2014).

Approximate Number of Program Projects in Idaho: Currently, there are approximately 131 projects in Idaho. 2015 SWG Apportionment.

Where to Start:

Idaho Agencies and Contacts: Karla Drewsen, Grants Management Specialist (Pacific Region), U.S. Fish and Wildlife Service, Office of Migratory Birds & State Programs, Wildlife & Sport Fish Restoration, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181; Tel: (503)-231-2389; Fax: 503-231-6996; E-mail: Nell _Fuller@FWS.gov.

Other Governmental Entities and Contacts: Director, Policy and Programs, Fish and Wildlife Service, Division Wildlife and Sport Fish Restoration Program – Branch of Policy and Programs, 4401 North Fairfax Drive, WSFR-4020, Arlington Virginia 22203. Phone: (703) 358-2156.

Internet Resources:

CATALOG OF FEDERAL DOMESTIC ASSISTANCE, *State Wildlife Grants: Program Information*, https://www.cfda.gov/index?s=program&mode=form&tab=core&id=28fe205facbb4e8857e19389a74aff7f.

U.S. FISH & WILDLIFE SERVICE, *State Wildlife Grant Program*, http://wsfrprograms.fws.gov/Subpages/GrantPrograms/SWG/SWG.htm.

Date Updated: April 6, 2015

North American Wetlands Conservation Act (NAWCA)

Purpose of the program: Introduced in 1989, the North American Wetlands Conservation Act grants are intended for the protection of wetland habitats for migratory birds and other wetland wildlife. U.S. FISH & WILDLIFE SERV., *North American Wetlands Conservation Act: Protecting, Restoring, and Enhancing Habitat for Migratory Birds* (2014). NAWCA grants have been employed across the United States, as well as in both Canada and Mexico. *Id.* The grant program has disbursed approximately $1.3 billion since 1991. *Id.* Because of the highly competitive nature of the program, that $1.3 billion disbursement has been met with matching total of roughly $2.7 billion. *Id*. The ultimate product of these monies has generated a conservation effort amounting to approximately 27 million acres. *Id.*

The U.S. Fish & Wildlife Service notes the following:

> The Act does several things:
>
> It encourages partnerships to conserve North American wetland ecosystems for waterfowl, other migratory birds, fish, and wildlife.
>
> It encourages the formation of public-private partnerships to develop and implement wetland conservation projects consistent with the North American Waterfowl Management Plan (NAWMP), a blueprint for continental waterfowl and wetlands conservation, and other North American migratory bird conservation agreements.
>
> It creates the North American Wetlands Conservation Fund to help support projects through grants.
>
> It establishes a nine-member North American Wetlands Conservation Council (Council) to review and recommend grant proposals to the Migratory Bird Conservation Commission for funding.
>
> It lists proposal evaluation factors to be considered by the Council.
>
> The Act specifically references goals of the NAWMP. The Act provides a mechanism to support NAWMP objectives and those of other migratory bird recovery programs.

U.S. FISH & WILDLIFE SERV., *North American Wetlands Conservation Act*.

Program Funding Priorities: The North American Wetlands Conservation Act is chiefly concerned with protecting the wetland habitats of migratory birds and additional wildlife.

Idaho Locations Where Funds Are Used or Prioritized: Recent conservation efforts associated with NAWCA in Idaho have focused on the Henry's Fork Wetlands. DUCKS UNLIMITED, *The North American Wetlands Conservation Act: Working for Idaho* (2013) [hereinafter *Working for Idaho*]. Separated among three separate NAWCA grants, approximately $11.7 million in partner funds have accompanied these grants in restoring Henry's Fork Wetlands. *Id.* Combined with the NAWCA grants, these partner funds have helped secure the restoration of approximately 10,000 acres in Henry's Fork. *Id*. Idaho has also participated in several multi-state conservation projects that received NAWCA grants for the Teton River Basin area. *Id.*

Description of Funding Availability: There are two different grant programs under NAWCA: Standard Grants and Small Grants. U.S. FISH & WILDLIFE SERV., *NAWCA* (2015). The Standard Grants support projects in the U.S., Canada, and Mexico. *Id.* As the Standard Grant Program is the larger of the two, it is responsible for approximately $800 million in funding and $2 billion in matching funds since 1991. *Id.* Grant requests under the Standard Grant Program are typically limited at $1,000,000.

The Small Grants Program only supports projects performed within the United States, and the projects it sponsors are on a smaller scale. U.S. FISH & WILDLIFE SERV., *Small Grants Factsheet* (2014). For the Small Grants Program, funding requests may not exceed $75,000. *Id.* The Small Grants Program allows for funding for limited-scale projects that may not be able to compete at the Standard Grant Program level. *Id.*

Under NAWCA the matching funds must be of a non-federal nature and at the very least requires a 1:1 match. *NAWCA*. Funding for 2015 totaled $54.7 million. *Id.*

Approximate Number of Program Projects in Idaho: As of 2013, Idaho had seventeen NAWCA projects that were either ongoing or had already been completed. *Working for Idaho*. In that same time period, Idaho was involved in four multi-state NAWCA projects that were also either ongoing or had already been completed. *Id.*

Application Procedures:

The application procedures for Standard Grants and Small Grants are reviewed here separately.

Standard Grants:

Eligibility. An eligible proposal for NAWCA contains numerous components, including a two-year plan that contemplates supporting funds under a NAWCA grant. U.S. FISH & WILDLIFE SERV., *Eligibility Criteria & Processes* 2 (2014) [hereinafter *Eligibility Criteria*]. For standard grants, this plan must be aimed at conserving and protecting wetland fish and wildlife, and requesting a grant between $75,001 and $1,000,000. *Id.* Applicants may submit requests that exceed $1,000,000, but such requests require a valid justification for exceeding this threshold. *Id.*

The matching funds for the project must have been made within 2 years prior to the submission of the proposal. *Id.* Proposals for NAWCA grants must also include funds and parties that are recent entrants into the wetland conservation arena. *Id.* at 3. Further, the uplands contained within the land must provide protection to the lands wetlands and wetland wildlife. *Id.*

Application Process. Grant Costs: Valid grant costs must be verifiable, at fair market value, and must be essential to fulfill the project proposal. *Eligibility Criteria* at 6. Valid costs include land acquisition, wetland restoration, wetland enhancement, wetland establishment, alternative wetland conservation efforts, and salary costs for USFWS employees working in conjunction with a NAWCA project. *Id.* at 7-8. These costs do not include any work done prior to the submission of a proposal or for costs sustained before the FWS receives the proposal. *Id.* at 8.

Ineligible grant costs include monitoring costs, proposal progress or preparation, loan interest, maintenance costs, or for salary costs sustained before the grant is finalized. *Id.*

If a grantee fails to secure less than 75% of the acres (in acquisition, restoration, etc.) or less than 75% of the project's financial match, that typically constitutes a material failure to comply with the grant agreement. U.S. FISH & WILDLIFE SERV., U.S. GRANT ADMINISTRATION STANDARDS HANDBOOK 5 (2014) [hereinafter GRANT HANDBOOK]. In that situation, a project typically loses funding and is then terminated. *Id.*

Getting Started: There are several joint ventures that are recommended as a starting point for a proposal. *NAWCA*. The prioritization of NAWCA proposals by the joint venture in your area has a substantial effect on the proposal selection process. *Id.* Idaho is within the purview of the Intermountain West Joint Venture. U.S. FISH & WILDLIFE SERV., *Joint Venture Map* (2014). All non-federal proposed projects must be submitted through www.grants.gov.

Ranking. For the U.S. Standard Grants Program, the Council for the Conservation of Migratory Birds ranks the eligible proposals it receives from the joint ventures. The criteria the Council uses includes: (1) degree to which the proposal accomplishes the aims of NAWCA; (2) extent of non-federal capital available to carry out the project and match federal monies; (3) degree to which the project represents a public/private partnership; (4) compatibility of the project with the National Wetlands Priority Conservation Act; (5) degree to which the project would protect fish, wildlife, and migratory nongame birds that are either listed or have the potential to be federally listed as threatened or endangered species; (6) the significance of the project; and (7) the endorsement of any entities residing in the United States, Canada, or Mexico of which are currently participating in a NAWCA project. The Council then recommends Standard Grant projects to the Migratory Bird Conservation Council (MBCC) for final approval. Once those decisions have been made, the Fish and Wildlife division of the Bird Habitat Conservation Commission administers the grants.

The 2015 application deadlines for Standard Grants are February 27, 2015 and July 7, 2015. *NAWCA*.

Small Grants:

Under NAWCA, the Small Grants Program shares much of the same eligibility, ranking, and procedural characteristics with the Standard Grants Program. Small grants are also limited with a maximum funding amount of $75,000. U.S. FISH & WILDLIFE SERV., *U.S. Small Grants* (2015). The key difference between the two programs lies within the timing of the final funding approval. *Id.* This is because, for the Small Grants Program, the MBCC preapproves a total amount of funding in the coming year. *Id.*

For the Small Grants Program the 2015 grant deadline is November 15, 2015. *Id.*

Implementation. The U.S. Fish and Wildlife Service enjoys broad authority over the supervision of NAWCA-funded projects. GRANT HANDBOOK at 74. At any time, the FWS may invoke the right to unfettered access to the records or any documentation of a grant recipient if that access is relevant to the grant award itself. *Id.*

The FWS also has the authority to both inspect and monitor real property or equipment as provided by the grant agreement, habitat modified under the agreement, or wetlands founded under the agreement. *Id.* at 75. For conservation easements in particular, the grant recipient holding the easement is obligated to make sure that the land is being managed per the easement's specifications. *Id.* Failure to do so may result in the FWS requiring that the grant funds be returned. *Id.*

Grant recipient projects that expend $500,000 or more federal grant monies in one calendar year are subject at least to one audit during that year. *Id.* at 74. This applies if the grant recipient is a local government, a state agency, a nonprofit entity, a nonprofit hospital, a nonprofit institution of higher education, or a federally-recognized tribes. *Id.* This specific audit is required to be performed by an independent auditor. *Id.*

Where to Start: Consult with the Idaho Department of Fish and Game or the Intermountain West Joint Venture.

Idaho Contact: Kathleen Hendricks, Branch Chief - Conservation Partnerships, 1387 S. Vinnell Way, Suite 368, Boise, ID 83709, Tel: 208-378-5742; E-mail: kathleen_hendricks@fws.gov.

Idaho Agencies Involved: Idaho Fish and Wildlife

Other Entities Involved: Intermountain West Joint Venture

Other Entities' Contact: Tina Dennison, Project Coordinator, 1001 South Higgins Avenue Suite A1, Missoula, MT 59801, E-mail: tina.dennison@iwjv.org.

Internet Resources:

Statute: 16 U.S.C. §§ 4401 – 4414 (2015)

U.S. FISH & WILDLIFE SERV., *North American Wetlands Conservation Act*, http://www.fws.gov/birdhabitat/Grants/NAWCA/index.shtm.

U.S. FISH & WILDLIFE SERV., *Proposal Application Overview*, http://www.fws.gov/birdhabitat/Grants/NAWCA/Standard/US/Overview.shtm.

DUCKS UNLIMITED, *The North American Wetlands Conservation Act: Working for Idaho*, http://www.ducks.org/resources/media/conservation/nawca/statefactsheets/2013/idaho%20nawca%20fact%20sheet%20fy%202013.pdf.

Date Updated: April 7, 2015

Pacific Coastal Salmon Recovery Fund

Program Funding Priorities: The Pacific Coast Salmon Recovery Fund is focused on providing resources to applicants who are undertaking projects that will help to prevent the extinction of 28 listed species of Salmon and Steelhead. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, *Pacific Coastal Salmon Recovery Fund* [hereinafter *Pacific Coastal Salmon Recovery Fund*). Projects producing tangential benefits to these species are also within the scope of Pacific Coast Salmon Recovery Funding objectives. IDAHO OFFICE OF SPECIES CONSERVATION, *Salmon and Steelhead* [hereinafter *Idaho OSC*].

Purpose of the program: The purpose of this program is to prevent the extinction of the 28 listed species of Salmon and Steelhead on the West Coast. NOAA FISHERIES, *Pacific Coast Salmon Recovery Fund* [hereinafter *Information for Applicants*]. Created in 2000, the PCSRF is intended to provide conservation funds to further efforts to reverse declines of Pacific Salmon and Steelhead in California, Oregon, Washington, Alaska, Idaho, and Nevada. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES SERVICE, *Economic Benefits of Salmon Restoration in Idaho* (2012) [hereinafter *Economic Benefits of Salmon Restoration*].

Description of Funding Availability: The PCSRF employs a competitive grant process in allocating available funds. NAT'L OCEANIC & ATMOSPHERIC ADMIN., *Pacific Coastal Salmon Recovery Fund: Notice of Funding Availability*, 75 FED. REG. 14135 (Mar. 24, 2010). Since 2000, PCSRF has awarded more than $1.1 billion; the program has also leveraged over $1.3 billion in matching funds. *Pacific Coastal Salmon Recovery Fund*. Eligible applicants are the states of Washington, Oregon, Idaho, California, and Alaska; and federally-recognized tribes of the Columbia River and Pacific Coast (including Alaska). *Economic Benefits of Salmon Restoration in Idaho*.

As of 2011, the state of Idaho through the Idaho Office of Species Conservation had received approximately $23 million to fund conservation efforts through the PCSRF program. *Idaho OSC*.

Application Procedures: A call for applications is announced via the Federal Funding Opportunity (FFO), and this announcement is posted on www.grants.gov. Typically the announcement is released in January, final applications are due approximately two months later. Applications must be submitted by the designated State or Tribal agencies from the states of Washington, Oregon, Idaho, California, or Alaska. *Information for Applicants*. In Idaho, the designated state agency is the Idaho OSC. *Idaho OSC*.

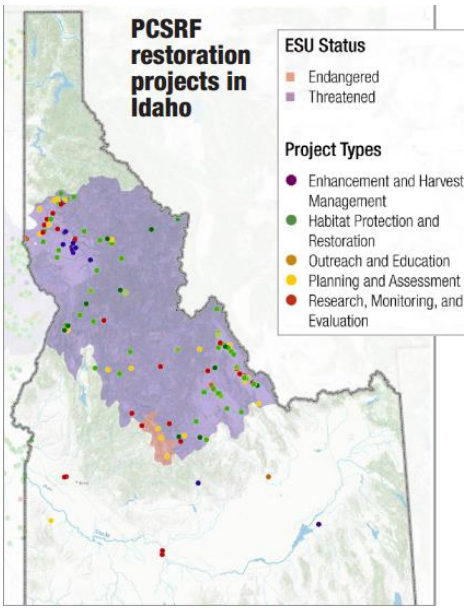
Eligibility. Eligible applicants are the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and federally-recognized tribes of the Columbia River and Pacific Coast (including Alaska). *NOAA FISHERIES, Pacific Coastal Salmon Recovery Fund - Information for Applicants*. In Idaho, the agency appointed to submit applications on behalf of the state is the Idaho Office of Species Conservation. *Idaho OSC*.

Application Process. Applicants must submit an Idaho PCSRF Proposal Application to the Idaho OSC. *Id.* There are several categories of applications including habitat restoration and protection, Research monitoring, and evaluation, and engineering and design. *Id.* The applicant can submit an application under only one category. *Id.* However, supplemental applications can be filed if there are multiple proposed projects on a single property. *Id.*

Ranking. Applications are ranked according to the factors outlined below. *Economic Benefits of Salmon Restoration in Idaho*. Projects are ranked according the projects ability to address factors limiting the productivity of Pacific salmon and steelhead listed under the Endangered Species Act (ESA), or those populations necessary for the exercise of tribal treaty fishing rights or native subsistence fishing. *Id.* If the Project is intended to benefit an ESA-listed species, it must address limiting factors and priority actions specified in approved or proposed recovery plans for those species. *Id.* Projects benefiting populations important for tribal treaty fishing rights or native subsistence fishing may include efforts to restore or maintain such populations while limiting factors are being addressed. *Id.* This priority includes the development of engineering or projects that are a necessary for on-the-ground habitat improvement projects under this priority. *Id.* Monitoring of habitat restoration projects at the watershed or larger scales for ESA protected species, or monitoring for the exercise of tribal treaty fishing rights or native subsistence fishing on ESA protected species. *Id.* Other projects consistent with the Congressional authorization and that show a need for PCSRF funding. *Id.* This includes projects that are precursors to implementing activities under the above priorities including outreach, planning and coordination, assessment, research, and monitoring, or other engineering design projects.

Implementation. Ongoing maintenance requirements are established through a negotiation process with the Idaho OSC. The terms of the easement must be determined prior to the submission of the application by the OSC.

Idaho Locations Where Funds Are Used or Prioritized: Funds from the PCSRF program have helped to complete over 200 projects in Idaho. *Id.* These projects have effected more almost 3,500 acres of Idaho land. *Id.* Approximately 2,670 acres have been directly acquired or protected through the use of conservation easements using funds from this program. *Id.* The majority of these projects that take place in Central Idaho with a few projects taking place in southern Idaho. A map detailing project locations is below:



Economic Benefits of Salmon Restoration in Idaho.

Approximate Number of Program Projects in Idaho: This program has been used to fund approximately 220 projects in Idaho. *Id.*

Where to Start: Landowners interested in pursuing funding for a project through the PCSRF should contact a local land trust organization. Alternatively, Mike Edmondson of the Idaho Office of Species Conservation has expressed his willingness to work with landowners directly the organization of a project.

Idaho Contact and Agency: Mike Edmondson, Idaho Office of Species Conservation. Email: mike.edmondson@osc.idaho.gov, Telephone: (208) 334-2189 extension 5.

Other Governmental Entities and Contact: Scott Rumsey, National Oceanic and Atmospheric Administration, Email: Scott.Rumsey@noaa.gov, Telephone: (503) 872-2791.

Internet Resources:

NOAA FISHERIES, *Economic Benefits of Salmon Restoration in Idaho*, http://www.westcoast.fisheries.noaa.gov/publications/recovery_planning/pcsrf_idaho_021712.pdf.

NOAA FISHERIES, *Pacific Coastal Salmon Recovery Fund - Information for Applicants*, http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/pcsrf_applicant_information.html.

IDAHO GOVERNOR'S OFFICE OF SPECIES CONSERVATION, *Salmon & Steelhead*, http://species.idaho.gov/list/salmon_steelhead.html.

Date Updated: April 4, 2015

Partners for Fish and Wildlife Fund

Program Funding Priorities: The Partners for Fish and Wildlife Program is the U.S. Fish & Wildlife Service's primary mechanism for delivering voluntary on-the-ground habitat improvement projects on private lands for the benefit of Federal trust species. USFWS provide technical and financial assistance to landowners to help meet the habitat needs of Federal trust species on private lands. *See* U.S. FISH AND WILDLIFE SERVICE, 640 FW 1 §1.3: Partners for Fish and Wildlife Program (2003).

Purpose of the program: Program projects may include improving habitat for any or all of the following: migratory bird species: anadromous fish species of special concern to the Service; endangered, threatened, or candidate species; species proposed for listing; and other declining or imperiled species. *Id.* The funds from PFWF allows the U.S. Fish and Wildlife Service to deliver "on-the-ground habitat improvement projects on private lands for the benefit of federal trust species." *Id.* Eligible projects are for the benefit of migratory bird species, anadromous fish species of special concern to The Service, endangered or threatened, or candidate species, other declining or imperiled species. *Id.* Projects must advance these purposes as well as both promoting biological diversity and be based on sound biological principles. *Id.*

In addition to funding stand-alone projects, PFWF resources may also be used as a supplement to funding obtained from USDA conservation programs. In this regard, PFWF funding can take the form of guidance or technical assistance, which serve to maximize benefits to federal trust species. *Id.*

Description of Funding Availability: The amount per project that can be contributed through this program is limited to $25,000 per project in most cases. *Id.* at §1.10. However, under certain circumstances, The Service Director may award funding in excess of $25,000 based on consideration of the biological significance and cost effectiveness of the project. *Id.*

The amount of funding that may be awarded to a proposed project is further limited by a 50-50 match goal which requires the landowner or other non-federal entity to contribute half of the funds required for the completion of the project. However, unlike with many other funding programs, the cost share requirements of the PFWF are more relaxed in that the 50-50 split is a program wide goal and individual projects are not strictly required to conform to this goal. *Id.* at § 1.16. These cost share obligations can be met with funds, labor, material, or other valuable contributions. *Id.* at § 1.10. However, foregone income or lost opportunities do not contribute to meeting cost share requirements. *Id.* at § 1.16.

At least 70% of the funds awarded under the PFWF program for a specific project must be used for on-the-ground implementation efforts. *Id.* The remaining 30% may be used for certain administrative costs. *Id.* It is important to note that funds from the PFWF may not be used to purchase an interest in land. *Id.*

Application Procedures:

Eligibility. To be eligible to receive funds from the PFWF Program, both applicants and beneficiaries must be private landowners, tribal governments, local and state governments, educational or non-profit institutions or organizations. General Services Administration, CATALOGUE FOR DOMESTIC ASSISTANCE, *Programs*. Projects must be located on private lands. *Id*. Private lands are defined as any lands that are not owned by the Federal Government or a State. Partners for Fish and Wildlife Act, 16 U.S.C. §§ 3771-3774 (2006). The land on which the project is proposed must be able to provide material benefits to fish, wildlife, and native plants and habitats. *Id*.

Application Procedures. Applicants should contact their local U.S. Fish and Wildlife Service Office or the designated contact for the region in which the proposed project will take place. Applicants should have specific projects in mind when contacting The Service. Applicants should also be able to identify specific benefits of proposed projects that will further the goals of the PFWF program. U.S. Fish and Wildlife Service personnel will help applicants develop a project proposal and application including the agreement between the Fish and Wildlife Service and the landowner. The Service will then work with the applicant to complete the application process.

Ranking. Proposed projects are selected based on specific benefits to wetland, riparian, sagebrush/grasslands, wet-meadow, and aquatic habitats. Projects are selected based on local priorities. Highest funding priority will be given to projects that complement activities on National Wildlife Refuge System lands in addition to improving habitat for migratory bird species of concern, anadromous fish species of concern, endangered, threatened or candidate species, or other declining species. Additionally, high priority will be given to initial restoration projects on land with certain USDA conservation easements when those easements are intended to restore habitat for Federal trust species.

In order to differentiate between projects satisfying the above ranking criteria, The Service applies secondary ranking priorities. These ranking priorities include projects identified by The Service's ecosystem teams in collaboration with State fish and wildlife agencies, conservation districts, and other partners; projects that reduce habitat fragmentation; projects that conserve or restore a natural community that is designated as globally or nationally imperiled; projects that are self-sustaining and do not depend on artificial structures that so not blend with the landscape and do not minimize future operational and maintenance costs; and projects that serve as buffers for important State or Federal conservation land. *Partners for Fish and Wildlife Program* at § 1.9.

If assigned priorities based on the above considerations fail to substantially differentiate between proposed projects, tertiary or general ranking factors will be considered. *Id.* These factors

give priority to projects that are longer in duration, that involve greater non-service partnerships and cost sharing, and are more cost effective. *Id.*

Implementation. Once funding for a proposed project is granted, a cooperative agreement is developed between the NFWF and the landowner. This agreement must be for a term of no less than 10 years. *Id.* at § 1.12. Eligible applicants are private landowners, tribes, or other organizations. *Id.* Projects proposed on federal or state lands will not be considered for funding. *Id.*

Eligible landowners receive reimbursement for the portion of the project's costs that will be covered by the PFWF program after the work has been completed. *Id.* Generally, the NFWF will cover 50% of the required funding with the other 50% coming from an in-kind or cash source. State and local governmental agencies or private organizations may partner with the U.S. Fish and Wildlife Service to provide additional funding sources. *Id.*

The following general requirements apply to all PFWF funded projects: projects must be biologically sound and cost effective; projects must apply the most effective techniques based on state-of-the art methodologies and adaptive management; projects must comply with all applicable environmental laws or other statutes that protect historic or cultural resources; and all planting or seeding must consist of native species (unless special considerations outweigh this concern). *Id.* at §1.10.

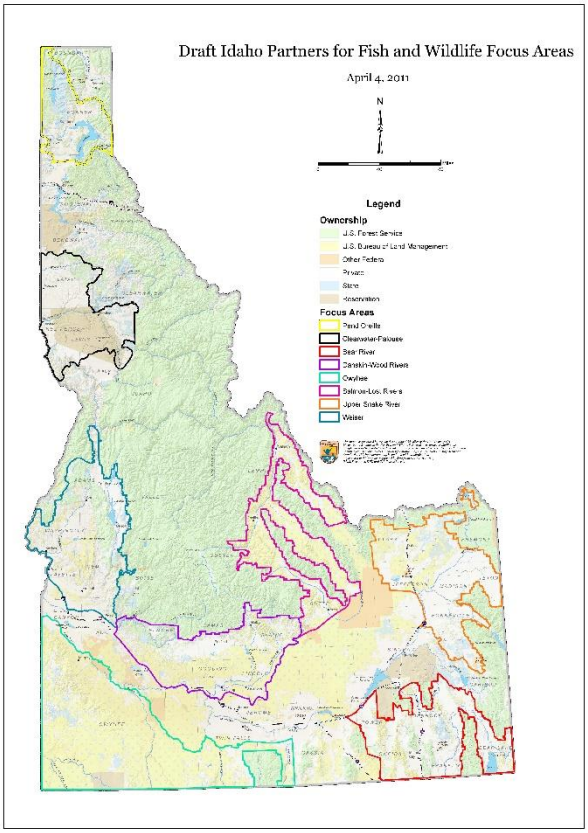
Generally, PFWF will negotiate the obligatory terms of the contract depending on the nature of the project. The obligations created by the agreement can be completed by other agencies or organizations, landowner labor, labor contracts, or by federal contractors. *Id.* These labor sources can be combined in any manner conducive to the completion of the project so long as they are agreed to by the landowner. *Id.* Funds obtained from the PFWF program may not be used on any habitat mitigation projects under any state or federal regulatory program.

All contracts must include the following terms:

> This agreement [or contract] starts when fully signed and continues for _____years. [This first sentence may be separated from the remainder of the clause.] This agreement may be modified at any time by the mutual written consent of the parties. It may be terminated by either party upon 30 days advance written notice to the other party. However, if _____ [a party other than the U.S. Fish and Wildlife Service] terminates the agreement before its expiration or materially defaults on its commitments, then_____ agrees to reimburse the U.S. Fish and Wildlife Service for the prorated cost to the United States of all habitat improvements placed on the land through this agreement. For this purpose, the total cost to the United States is agreed to be $_____.

Id. at §1.12.

Idaho Locations Where Funds Are Used or Prioritized: A map of project focus areas can be found here, and is reproduced below. U.S. FISH & WILDLIFE SERV., *Draft Idaho Partners for Fish and Wildlife Focus Areas* (April 4, 2011).



Approximate Number of Program Projects in Idaho: In 2009, approximately 27 projects were received funding through the NFWF program. More recent data could not be found at the time of this publication.

Where to Start: The first step in applying for funds under this program is to contact the local U.S. Fish and Wildlife Service Office at: 1-208-378-5742. Applications are accepted year round and there are no deadlines.

Idaho Agencies Involved: The Service works with many federal and state entities in implementing the PFWF program. Idaho agencies involved will vary depending on the project. In the past Idaho Agencies have included the Idaho Department of Fish and Game, the Idaho Soil Conservation Commission, and the Idaho Department of Environmental Quality.

Other Governmental Entities and Contacts: The U.S. Fish and Wildlife Service (The Service) may be contacted directly regarding this program at: 1-208-378-5742. In Idaho, there are also two primary PFWF contacts:

Projects in the Clearwater River Basin should contact Dennis Mackey, Phone: (208) 378-5267, Address: 1387 S. Vinnell Way, Boise, ID 83709.

Projects in Northern Idaho should contact Juliet Barenti, Phone: (509) 893-8005, Address: 11103 E. Montgomery Drive, Spokane, WA 99206.

Internet Resources:

U.S. FISH & WILDLIFE SERV., *Partners for Fish and Wildlife Program in Idaho Project Summary: 2009 - Idaho Fish and Wildlife Office*, http://www.fws.gov/idaho/landowners/PartnersAnnual09.pdf.

U.S. FISH & WILDLIFE SERV., *Partners for Fish and Wildlife Program in Idaho: A Conservation Program for Private Landowners*, http://www.fws.gov/idaho/Partners.html.

Date Updated: April 6, 2015

Recovery Land Acquisition

Purpose of the program: Loss of habitat is the primary threat to most listed species. Land acquisition is often the most effective and efficient means of protecting habitats essential for recovery of listed species before development or other land use changes impair or destroy key habitat values. Land acquisition is costly and often neither the U.S. Fish and Wildlife Service nor the States individually have the necessary resources to acquire habitat essential for recovery of listed species. Recovery Land Acquisition grant funds are matched by States and other non-Federal entities to acquire (both in fee simple and conservation easements) this habitat from willing sellers in support of approved or draft species recovery plans. The Recovery Land Acquisition program was established in fiscal year 2001. U.S. FISH & WILDLIFE SERV., *2015 Cooperative Endangered Species Conservation Fund Grant Program* 3 [hereinafter 2015 GRANT PROGRAM].

Program Funding Priorities: Recovery Land Acquisition grants are primarily aimed at habitat acquisition of federally listed threatened and endangered species.

Description of Funding Availability: Proposals for these funds are submitted to the FWS by State, Territory, or Commonwealth government agencies. 2015 GRANT PROGRAM at 1. These funds are issued through the Cooperative Endangered Species Conservation Fund, authorized through Section 6 of the Endangered Species Act (ESA). *Id.* at 3. The match percentage for RLA grants is a 25% match for the project cost. 2015 GRANT PROGRAM at 1. Although, if two or more states create a joint project, that match percentage is only 10% for the project cost. *Id.* The RLA program encourages states to collaborate with individual landowners, conservation entities, and other government agencies. If a proposal is submitted for possible funding under the RLA, that specific proposal may not be submitted for possible funding under the HCP Land Acquisition Grant Program. *Id.* at 9.

Application Procedures:

Eligibility. In order for a proposed project to qualify for RLA funding, there are several required conditions. If your proposal does not meet the below conditions it will not be admitted for consideration. 2015 GRANT PROGRAM at 9.

The first requirement involves ongoing projects. Any ongoing projects will not receive RLA funding if such projects have open Cooperative Endangered Species Conservation Fund (CESCF) grants awarded in or prior to FY 2010. *Id.* Any proposals that involve an ongoing project must demonstrate the progress of the project to date. *Id.* Finally, any ongoing projects that have received prior CESCF grants must disclose such grants and the progress associated with such grants. *Id.*

Secondly, the habitat associated with the proposal must conserve the parcel in perpetuity. *Id*.

Third, the RLA funds used for the project should further the implementation of an approved final or draft recovery plan for, at the very least, one listed species. Exceptions to this requirement are rare. *Id*.

Fourth, the contemplated parcel that will be acquired in conjunction with the RLA funds must be specifically identified. *Id*. Land acquisitions sponsored by RLA funds are funded for the purchase of the land at market value and via willing sellers. Land appraisals are not necessary to submit a grant proposal, however such an appraisal is required before RLA funds are disbursed. *Id*.

Fifth, the proposed project must commit to fund, implement, and manage the conservation of the parcel of land in perpetuity. *Id*. at 10.

Finally, an applicant can only submit one proposal for funding for either the RLA Grant Program or the HCP Land Acquisition Grant Program. *Id*.

Application Process. The general application for RLA funds requires the submission of a SF-424 form, an application for federal assistance. 2015 GRANT PROGRAM at 11. Competition for the disbursement of these funds is at a regional level. *Id*. at 34. Funding recommendations are prepared for each region. *Id*.

Idaho Locations Where Funds Are Used or Prioritized: In 2014, one Idaho project was funded through the RLA program, which focused on Spalding Catchfly Conservation in Latah County. Here is the project description:

> Spalding's Catchfly Conservation* (Latah County) – $232,425
>
> This project will protect four properties that will provide a critical link among existing conservation easements and connect some of the last Palouse Prairie or Grassland remnants. Palouse Grasslands are a critically-imperiled ecosystem with less than one percent of their former range remaining and these properties contain some of the largest and best remaining examples of this habitat. The protection of these properties will contribute to the recovery of Spalding's catchfly, a federally listed species, along with eight species of greatest conservation need, as designated by the State of Idaho, five rare endemic plants, and a critically endangered ecosystem. Because most of the habitat for Spalding's catchfly is on private land, ensuring longterm recovery will require securing permanent protection of key conservation areas, as defined in the species' recovery plan. The four project properties are within the only key conservation area in Idaho's Palouse Grasslands and constitute nearly 75% of this area.

All 2014 RLA projects funded nationwide can be reviewed here. *See* U.S. FISH & WILDLIFE SERV., *FY 2014 Cooperative Endangered Species Conservation Fund: Project Descriptions Arranged by State*.

Approximate Number of Program Projects in Idaho: The number of active projects in Idaho could not be determined.

Where to Start: RLA grants are administered by the U.S. Fish and Wildlife Service.

Idaho Contact: Gregg Servheen, Wildlife Program Coordinator, Idaho Department of Fish and Game, 600 S. Walnut, Boise, ID 83712, Tel: (208) 334-3700; Fax: (208) 334-2148; E-mail: gregg.servheen@idfg.idaho.gov

Idaho Agencies Involved: Idaho Department of Fish and Game

Other Governmental Entities Involved: U.S. Fish and Wildlife Service

Internet Resources:

U.S. FISH & WILDLIFE SERV., *Endangered Species: Grants | Grant Programs*, http://www.fws.gov/endangered/grants/grant-programs.html.

U.S. FISH & WILDLIFE SERV., *Endangered Species: Section 6 of the Endangered Species Act Cooperative Endangered Species Conservation Fund*, http://www.fws.gov/midwest/endangered/grants/S6_grants.html.

Date Updated: April 7, 2015

Land and Water Conservation Fund (LWCF)

Purpose of the program: The Land and Water Conservation Fund is funded by royalties paid by energy companies drilling for oil and gas on the American Outer Continental Shelf. The money is intended to create and protect national parks, areas around rivers and lakes, national forests, and national wildlife refuges from development, and to provide matching grants for state and local parks and recreation projects. Congress rarely authorizes full funding of the $900 million on LWCF projects; rather, the funding is usually around $100 million. Once the annual funding level is established by Congress, project priorities are developed by federal agencies and distributed through those federal agencies to federal, state and non-profit partners working with individual landowners.

LWCF funds flow through two programs, the Federal Land Protection Program and the State Assistance Program.

Federal Land Protection Program: The LWCF program has permanently protected nearly five million acres of public lands including some of America's most treasured assets such as Grand Canyon National Park, the Appalachian National Scenic Trail, the White Mountain National Forest, and Pelican Island National Wildlife Refuge, the nation's first federal refuge. Over the duration of the program, funding for LWCF has varied yearly, falling drastically in the last few years to total less than $100 million in 2007. Today, the four federal land management agencies (National Park Service, U.S. Fish and Wildlife Service, U.S. Forest Service, and Bureau of Land Management) estimate the accumulated backlog of deferred federal acquisition needs to be around $30 billion. Opportunities to protect fish and wildlife habitat, provide public access for recreation, preserve our nation's most notable historic and cultural sites, and protect scenic vistas are being lost every day to development.

State Assistance Program: The LWCF state assistance program provides matching grants to help states and local communities protect parks and recreation resources. Running the gamut from wilderness to trails and neighborhood playgrounds, LWCF funding has benefited nearly every county in America, supporting over 41,000 projects. This 50:50 matching program is the primary federal investment tool to ensure that families have easy access to parks and open space, hiking and riding trails, and neighborhood recreation facilities. Over the life of the program, more than $3 billion in LWCF grants to states has leveraged more than $7 billion in nonfederal matching funds; however, funding levels have been unpredictable and the average annual appropriation since fiscal year 1987 is a mere $40 million—despite the need for millions more. Today, the National Park Service reports that the unmet need for outdoor recreation facilities and parkland acquisition at the state level is $27 billion. While the LWCF alone cannot address all

state park needs, it is a critical federal partnership with our nation's state and local parks and communities.

Program Funding Priorities: States may prioritize funding for different specific areas, but the general priority of the LWCF State Grants is to enhance public recreational opportunities.

Description of Funding Availability: In order to be eligible for LWCF funds, States are required to formulate a statewide recreation plan (SCORP). NAT'L PARK SERV., *LWCF State Assistance Manual* Chapter 1-2 (2008) [hereinafter LWCF STATE MANUAL]. Such plans are approved by the National Park Service (NPS) and are required to be updated every five (5) years. *Id*. States must also develop an Open Project Selection Process (OPSP). *Id*. That process includes (1) a set of selection criteria that comports with the specific SCORP, and (2) a process to notify eligible applicants of available funding, application deadlines, and selection criteria for each new selection cycle. *Id*. at Chapter 2-4. The OPSP enables states to administer state LWCF grants. *Id*. at Chapter 1-2.

Idaho's current SCORP is the "Statewide Comprehensive Outdoor Recreation and Tourisms Plan" (SCORTP) is effective from 2013 to 2017. IDAHO DEP'T OF PARKS AND RECREATION, *SCORTP*. For the 2014 calendar year, Idaho's allotment under the regular LWCF apportionment was approximately $447,012. NAT'L PARK SERV., *LWCF Certificate of Apportionment for 2014* (2014).

Multiple state agencies may also join forces to create a partnership project. *IDAHO GRANT GUIDANCE* at 24. Under such an agreement, however, only one agency assumes the role of managing partner. *Id*. The managing partner presumes responsibility for the application of LWCF funds, as well as any construction in conjunction with the use of those funds. *Id*.

For matching, grants from the IDPR are available for up to 50% of the project cost to either acquire or develop a parcel of land. *Id*. Therefore, a project sponsor must provide 50% matching funds and this 50% share may be paid using cash, state or local funds, land donations, or force accounts. *Id*. at 29. As LWCF is a reimbursement program, projects sponsors are obligated to finance the entire cost of the project on the front-end. *Id*. at 28. However, if a proposed project exceeds a total cost of $100,000, a partial reimbursement may be discussed before the actual project agreement is signed. *Id*. Although cash is the preferred method of matching, force accounts and donated real property may serve as a matching share for a project. *Id*. at 29.

Approximate Number of Program Projects in Idaho: A number of projects have been funded by LWCF in Idaho. A full inventory of those projects is available at: U.S. NAT'L PARK SERV., *Land and Water Conservation Fund: Project List by County and Summary Reports*.

Application Procedures:

Eligibility. The following groups may qualify as sponsors for a project proposal and are therefore eligible for LWCF funds issued through the IDPR: incorporated cities, counties, recreation districts, state agencies, and school districts. IDAHO GRANT GUIDANCE at 23-24. Project

sponsors must either own or exercise dominion over the proposed parcel that will be developed. *Id*. at 26.

Acquisition: First, the purchase of leases is not an eligible for LWCF funding. *Id*. at 24. Second, if an acquisition of land will be made in less than fee interest under a proposed project, additional conditions apply to such easements or other development uses. *Id*. For such transactions, the interest acquired will not be permitted to be revoked. *Id*. Further, the value of the proposed land must be able to be endorsed via an ordinary appraisal and it must also be shown that recreation is the key aim of the project proposal. *Id*.

Application Process.

Applications: In Idaho, project proposals are submitted to the IDPR. *Id*. at 23. The Idaho Department of Parks and Recreation uses the Idaho SCORTP priorities to determine if a proposed project is eligible for funding. *Id*. The IDPR is available to aid individuals in the technical aspects of submitting an application for assistance. *Id*. All projects that are eligible for funding are presented before the LWCF Advisory Committee. *Id*. For these exhibits, the sponsors of projects are requested to provide an oral presentation. *Id*. The LWCF Advisory Committee prioritizes submitted projects. *Id*. Upon such prioritization, recommendations are then submitted to the Idaho Park and Recreation Board. *Id*.

If your project receives approval by the IDPR, an application will be requested from you, the project sponsor. *Id*. At this point, the submission of a valid application must include the ability of the project sponsor to make a financial investment. *Id*. The application is exhaustive and includes information relating to precise site proposals accompanied by illustrations, title status, assessments (both environmental and financial), cost estimations, as well as authorization from the State Historic Preservation Office (SHPO). *Id*. Gathering this information may be costly and the project sponsor must be prepared to pay these expenses out of pocket. *Id*. In the event that your application is approved, some of these costs may be repaid. *Id*.

If the IDPR selects your proposal from the eligible pool, the agency will collaborate with you to prepare a federal application. *LWCF STATE MANUAL* at Chapter 6-1. These applications are required to be submitted to the National Park Service at least 60 days before construction begins or the proposed acquisition. *Id*. Building upon this, a state may develop the LWCF Proposal Description and Environmental Screening Form or it may assign the completion of the form to the project sponsor (subgrantee). *Id*. At this stage the project is audited for compliance with all relevant federal and state laws, including the National Environmental Policy Act (NEPA). *Id*. After the proposal development the next step for the state is to submit a Federal Standard Form 424, Application for Federal Assistance (SF-424). *Id*. at Chapter 6-2. Further documentation must be assembled by the state and submitted to the NPS, including: project agreement and general provisions; a description and notification form; a Section 6(f) boundary map; a location map; a pre-award on-site inspection report; and any other pertinent information. *Id*. at Chapter 6-3 – Chapter 6-5.

Project Agreement and General Provisions: This document outlines the completion of the project that will be discussed between the state and the National Park Service. This agreement binds both the federal government and the state to various obligations under the agreement. *Id*. at Chapter 6-3.

Description and Notification Form: This form is used to input data into the National Park Service's LWCF database. *Id*.

Section 6(f) Boundary Map: This map demonstrates the contemplated project area that will be covered by Section 6(f)(3) anti-conversion requirements. *Id*. at Chapter 6-3. The anti-conversion requirements in Section 6(f)(3) are in place so the project parcel will not be converted to any another use (aside from public outdoor recreational use) without the approval of the National Park Service. *Id*.

Location Map: This map merely demonstrates the location and access to the parcel of land. *Id*. at Chapter 6-4.

Pre-award On-site Inspection Report: This report is produced as a result of an on-site inspection agreement between the National Park Service and the state. *Id*.

Federal Review of Project Application (NPS): Upon submission of all the necessary documents, the National Park Service will conduct its own review of the proposal. *Id*. In doing so, the NPS will determine whether (1) the proposal is in line with the state's respective SCORP and OPSP; (2) whether the proposal has been vetted with regard to both the NEPA and the Section 106 process of the National Historic Preservation Act; and (3) the contemplated project parcel on the Section 6(f) boundary map is sufficiently portrayed and signifies an acceptable area for LWCF funding. *Id*. at Chapter 6-5 – Chapter 6-6.

If your federal application (SF-424) is approved, the project sponsor must come to an agreement with the IDPR. *IDAHO GRANT GUIDANCE* at 23-24. This agreement must comport with the terms of the LWCF program. These terms include project time limitations; disabled access; park and school projects; legal documentation such as deeds, title insurance policies, appraisals, and the like; a description of the property and applicability; title restrictions; and project records. *Id*. at 25-27.

Implementation.

Post-completion Monitoring: Post-completion monitoring is required for any area wherein LWCF funding is attained. 36 CFR § 59.1 (2015). For both State and locally supported projects, the compliance and enforcement responsibility remains with the State. *Id*.

Information collection: In the case that a project sponsor wishes to convert a LWCF-funded into a non-public outdoor recreational use, necessary collection of information will be conducted. 36 CFR § 59.2 (2015).

Conversion requirements: The statutory requirements for converting a project to non-public outdoor recreational use are exhaustive and rigorous. 36 CFR § 59.3 (2015).

Residency requirements: For the purposes of the Land and Water Conservation Fund, there is a prohibition of discrimination on the basis of residency. 36 CFR § 59.4 (2015). The only acceptable form of differential treatment based upon residence relates to rational fee differences. *Id*. Such fees for non-residents may not exceed twice the fee amount charged to residents. *Id*. Further residency stipulations may be found within 36 CFR 59.4. *Id*.

Idaho Locations Where Funds Are Used or Prioritized: Examples of recent federal LWCF projects in Idaho include the City of Rocks, Hulls Gulch, Big Wood River, and Snake River Birds of Prey. In the past, Idaho has used LWCF funds in conjunction with major recreational projects such as the Boise Greenbelt, which was a state LWCF project. Over the past 50 years, Idaho has received roughly $234 million in LWCF funding. LAND & WATER CONSERVATION FUND COALITION, *LWCF Success in Idaho* (2015).

Approximate Number of Program Projects in Idaho: Information not collected in this version.

Where to Start: LWCF state grants are administered through the Idaho Department of Parks and Recreation.

Idaho Contact: Kathy Muir, State and Federal Grant Manager, Idaho Department of Parks and Recreation, 5657 Warm Springs Avenue, P.O. Box 83720, Boise, ID 83716, Tel: (208) 514-2431; Fax: (208) 334-3741; E-mail: Kathy.muir@idpr.idaho.gov

Idaho Agencies Involved: Idaho Department of Parks and Recreation (IDPR) (http://parksandrecreation.idaho.gov//)

Other Governmental Entities Involved: National Park Service (NPS)

Other Governmental Entities' Contact: State LWCF grants are administered through the IDPR.

Internet Resources:

NAT'L PARK SERV., *LWCF Grants (1965-2014)*, http://www.nps.gov/ncrc/programs/lwcf/fed_state.html.

IDAHO PARKS & RECREATION, *The Land & Water Conservation Fund*, http://parksandrecreation.idaho.gov/land-water-conservation-fund.

IDAHO PARKS & RECREATION, *Statewide Comprehensive Outdoor Recreation and Tourism Plan 2013-2017*, http://www.parksandrecreation.idaho.gov/scortp.

NAT'L PARK SERV., *The Land & Water Conservation Fund: Project List by County and Summary Reports*, http://waso-lwcf.ncrc.nps.gov/public/index.cfm.

LAND & WATER CONSERVATION FUND, *LWCF in Your State: Idaho*, http://www.lwcfcoalition.org/idaho.html.

Date Updated: April 14, 2015

National Fish Passage Program

Purpose of the program: Introduced in 1999, The National Fish Passage Program is aimed at providing funds for the purpose of protecting any activity that enhances the ability of fish to move by reconnecting habitats that have been fragmented. FISH AND WILDLIFE SERV., NATIONAL FISH PASSAGE PROGRAM: 2012 ANNUAL REPORT 3 (2013) [hereinafter 2012 REPORT] (latest available annual report). Although a fish passage project may include any attempt to expand the passage of fish, many of these projects address the effect that structures built on rivers have on fish passage. Adequate levels of fish passage are necessary and key to maintaining fish habitats and lifestyles.

Program Funding Priorities: The National Fish Passage Program is chiefly concerned with funding activities that reconnect and protect fish passage movement.

Description of Funding Availability: Proposals may be initiated by individuals, organizations, government, or government agencies in cooperation with their local Fish and Wildlife Conservation Office. U.S. FISH & WILDLIFE SERV., *Frequently Asked Questions* (2014) [hereinafter NFPP FAQS]. Upon consultation with the FWS, funding proposals are submitted to a biologist from the Fish and Wildlife Conservation Office. *Id*. National Fish Passage Program funds may not be used for mitigation projects. *Id*. Funding allocations under the program for 2012 reached approximately $11 million. 2012 REPORT at 4. The funding level for a project is, at minimum, $70,000 and there is no upper funding limit. NFPP FAQS.

Application Procedures:

Application Process. Although proposals are accepted year around for the program, the funding cycle begins in August of each year. *Id*. Funds are typically awarding the following spring. NFPP funds are administered through regional and local Fish and Wildlife Conservation Offices. *Id*.

Ranking. Project proposals are analyzed by the Fish and Wildlife Service and the Service uses the following criteria to prioritize potential projects: 1) project demonstrates a substantial ecological benefit for trust species; 2) project displays enduring benefits to the passage of fish; 3) the project employs the most recent scientific information and established technology; 4) the project has received considerable support from the relevant community; and 5) the project will be accompanied by the maximum in matching contributions. *Id*.

Idaho Locations Where Funds Are Used or Prioritized: Information not collected in this version.

Approximate Number of Program Projects in Idaho: Information not collected in this version.

Where to Start: Proposals may be initiated by individuals, organizations, government, or government agencies in cooperation with their local Fish and Wildlife Conservation Office.

Other Governmental Entities Involved: U.S. Fish and Wildlife Service (FWS)

Other Governmental Entities' Contact: Dan Shively, Fish Passage and Habitat Partnerships Coordinator for the Pacific Region, Portland, OR. E-mail: dan_shively@fws.gov

Internet Resources:

U.S. FISH & WILDLIFE SERV., *National Fish Passage Program*, http://www.fws.gov/fisheries/whatwedo/NFPP/nfpp.html.

U.S. FISH & WILDLIFE SERV., *National Fish Passage Program: Frequently Asked Questions*, http://www.fws.gov/fisheries/whatwedo/NFPP/nfpp_faqs.html.

U.S. FISH & WILDLIFE SERV., *National Fish Passage Program: Creating Aquatic Possibilities: FY2012 Annual Report and Future Outlook*, http://www.fws.gov/alaska/fisheries/restoration/pdf/2012_national_fish_passage_program.pdf.

Date Updated: April 7, 2015

Cooperative Endangered Species Conservation Fund

Program Funding Priorities: More than half of all endangered species spend at least part of their life cycle on privately owned lands. U.S. FISH & WILDLIFE SERV., *Endangered Species: Grants: Overview* (2015) [hereinafter *Overview*]. As a result, the U.S. Fish and Wildlife Service (FWS) has recognized that success in conserving these species ultimately depends on working cooperatively with private landowners, communities, and Tribes. CESCF provides grants through section 6 of the Endangered Species Act to States and Territories to participate in a wide variety of voluntary conservation programs known as Habitat Conservation Plans (HCP) for endangered species. *Id.* CESCF offers four grants to qualified private land owners. *Id.* The four grants include one "Traditional" Conservation Grant and three "Non-Traditional" grants. *Id.*

The "Traditional" Conservation Grants program provides financial assistance to States to implement conservation projects for candidate, listed, and recently recovered species. Funded activities include habitat restoration, species status surveys, public education and outreach, captive propagation and reintroduction, nesting surveys, genetic, and development of management plans. U.S. FISH & WILDLIFE SERV., *Ecological Services Program, Conservation Endangered Species Fund Program Overview*, (2015) [hereinafter *Program Overview*].

The three "Non-Traditional grants include:

(1) The Habitat Conservation Plan Land Acquisition (HCPLA) – The HCPLA Grant program was established by Congress in fiscal year 1997. This program was designed to reduce conflicts between the conservation of listed species and land uses on specific parcels of land. Under this program, the Service provides grants to States for land acquisitions (both in fee simple and conservation easements) that are associated with approved (permitted) HCPs. The Service considers the use of Federal acquisition dollars by States for habitat protection adjacent to HCP areas to be an important and effective mechanism to promote the recovery of threatened and endangered species. *Id.*

The HCPLA program has three primary purposes: 1) to fund land acquisitions that complement, but do not replace, Federal mitigation responsibilities contained in HCPs, 2) to fund land acquisitions that have important benefits for listed and candidate species, and 3) to fund land acquisitions that have important benefits for ecosystems that support listed and candidate species. *Id.*

The HCPLA program supports both single-species and multiple-species HCPs. For fiscal year 2015, 10 percent of the funding available through the HCP Land Acquisition program will be targeted to support single-species HCP land acquisition projects. *Id.*

(2) The Habitat Conservation Planning Assistance (HCPA) – Through the development of regional HCPs, local governments incorporate species conservation into local land use planning, which streamlines the project approval process and facilitates economic development. Established in fiscal year 2001, the Habitat Conservation Planning Assistance Grants program provides funding to States to support the development of HCPs. Planning assistance grants may support planning activities such as document preparation, outreach, baseline surveys, and inventories. Proposals for amendments to existing HCPs will not be accepted. *Id.*

(3) The Recovery Land Acquisition Grant (RLAG) - Loss of habitat is the primary threat to most listed species and land acquisition is often the most effective and efficient means of protecting habitats essential for recovery of listed species before development or other land use changes impair or destroy key habitat values. Land acquisition is costly and often neither the Service nor the States individually have the necessary resources to acquire habitat essential for recovery of listed species. Recovery Land Acquisition grant funds are matched by States and other non-Federal entities to acquire (both in fee simple and conservation easements) this habitat from willing sellers in support of approved or draft species recovery plans. The Recovery Land Acquisition program was established in fiscal year 2001. *Id.* [Note: The Recovery Land Acquisition Funds are discussed more thoroughly in a separate, dedicated chapter.]

Purpose of the program: The purpose of CESCF is to provide funding for the permanent protection of lands that complement conservation provided by an approved habitat conservation plan. *Overview*. To protect the land, the funds are used to implement different conservation "activities." *Id.* These activities include habitat restoration, species status surveys, public education and outreach, captive propagation and reintroduction, nesting surveys, genetic studies, and development of management plans. *Id.* Because over half of endangered species spend part of their life cycle on privately owned lands, it is imperative to encourage and incentivize private land owners to cooperate with the FWS to help endangered species sustain life. *Id.*

Description of Funding Availability: For fiscal year 2015, the President's budget request for the CESCF is $50 million. *Id.* The actual amount of funding available will be based upon Congress' approval of final appropriations for the Department of the Interior. *Id.*

"Traditional" Conservation Grants: The award announcements for the fiscal year 2015 "Traditional" grants will be determined by the U.S. Fish and Wildlife regional offices. Funding is allocated by formula to the service regions based on the number of species covered in the cooperative agreements with the states within that region. Regional offices then further allocate the funding to the States within that Region by formula or through a competitive process. Awards for the "Traditional" Conservation Grants will be announced through regional press releases and direct notification of the applicant from the Regional Offices of the Service. An applicant should not initiate a project in expectation of CESCF funding, nor should they purchase materials or begin work until such time as they receive the final grant award document signed by an authorized

Service official. The Service awarded approximately $10.5 million in fiscal year 2014 through the "Traditional" Conservation Grant Program. *Program Overview*.

Nontraditional Grant Programs: Funding for the HCP Land Acquisition and Habitat Conservation Planning Assistance programs is awarded based on a national competition. Following a regional "target" allocation from the Headquarters Office, funding for the Recovery Land Acquisition program is awarded based on regional competitions.

The Service awarded approximately $35 million in fiscal year 2014 funding to Nontraditional Program projects through the CESCF. Of that amount, approximately $7.4 million was awarded through the Habitat Conservation Planning Assistance program to fully fund 13 out of 13 eligible proposals from 8 States. Approximately $18 million fully or partially funded 11 out of 16 eligible proposals through the HCP Land Acquisition program. The Recovery Land Acquisition program awarded approximately $9.5 million in funding to 16 projects in 14 States. *Id.*

The Service will make award selections for the competitive programs based upon the proposals submitted for consideration. The range of grant awards has been between $1,000 and $24,000,000, but varies greatly by program. This year, there is a $2 million cap on HCP Land Acquisition grants and a $750,000 cap on HCP Planning Assistance grants. The Service anticipates making award announcements for the fiscal year 2015 grant programs in fiscal year 2015 following final budget appropriations. *Id.*

Awards for the nontraditional grants will be announced through a national press release and a memorandum to the Regional Directors of the Service for further notification of the applicants' selection for an award. Notification of an award through a press release or letter from a Regional Office is not an authorization to begin performance. The final exact amount of funds, the scope of work, and terms and conditions of a successful award will be determined in pre-award negotiations between the prospective grantee and the Service's representatives. An applicant should not initiate a project in expectation of CESCF funding, nor should they purchase materials or begin work until such time as they receive the final grant award document signed by an authorized Service official. *Id.*

Application Procedures:

Eligibility. Participation in CESCF is limited to State agencies that have a cooperative agreement with the Secretary of the Interior. *Id.* To receive a CESCF grant, a state or territory must have a current cooperative agreement with the Secretary of the Interior and contribute at least 25 percent of the total project cost, or 10 percent when two or more states or territories undertake a joint project. *Id.* Proposals must be submitted electronically through grants.gov or to the appropriate Service regional offices by January 23 of the current year. *Id.*

Application Process. The standard application forms furnished by the Federal agency must be used for this program. U.S. FISH & WILDLIFE SERV., *Endangered Species - Application for Federal Assistance, (2015)* [hereinafter *CESCF Application*]. An applicant should consult the

office or official designated as the single point of contact in his or her State for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review. *Id.* Environmental impact information is not required for this program. This program is eligible for coverage under E.O. 12372, "Intergovernmental Review of Federal Programs." An applicant should consult the office or official designated as the single point of contact in his or her State for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review. *Program Overview*.

Award Procedure. Proposals for grant funding must be submitted by the State fish and wildlife agency. The State must have an approved cooperative agreement with the Secretary of the Interior which provides for sharing responsibilities for endangered species, prior to receiving CESCF. *Id.* Individual project proposals must compete with other State submissions for funding. Final selection is made by the Secretary of the Interior, based on recommendations by the Director or Regional Directors of the U.S. Fish and Wildlife Service. *Id.* Funds are obligated by an authorized signature on an award agreement. *Id.*

Idaho Locations Where Funds Are Used or Prioritized: Information not collected in this version.

Approximate Number of Program Projects in Idaho: Information not collected in this version.

Where to Start: There are a variety of tools and documents available to assist you in applying for a grant. U.S. FISH & WILDLIFE SERV., *Conservation Endangered Species Fund Tools and Documents*, (2015). To learn more about how to apply for a grant, please contact the Fish and Wildlife Service Endangered Species grants specialist in your region.

Idaho Agencies and Contacts: Michael Carrier, Idaho Fish & Wildlife Office, Idaho State Office, 1387 S. Vinnell Way, Suite 368, Boise, ID 83709 Phone 208-378-5243/Fax 208-378-5262.

Other Governmental Entities and Contacts: Christina Meister; U.S. Fish and Wildlife Service, Branch of Recovery and State Grants, 5275 Leesburg Pike MS: ES, Falls Church, VA 22041-3803; tel: 703-358-2171. The CESCF is number 15.615 in the Catalog of Federal Domestic Assistance. christina_meister@fws.gov.

Internet Resources:

U.S. FISH & WILDLIFE SERV., *Endangered Species, Conservation Endangered Species Fund*, (2015), http://www.fws.gov/endangered/grants.

Date Updated: April 1, 2015

Environmental Quality Incentives Program (EQIP)

Program Funding Priorities: This program is administered on a cooperative basis between Federal and State entities. Federal funds allocated under this program are distributed according to their relation to either state or federal initiatives. There are five national priorities and five state priorities specific to Idaho. Priorities are described as follows:

On-Farm Energy initiative: This initiative is intended to enable farmers and ranchers to find ways to conserve energy on the farm or ranch through the development of a Agricultural Energy Management Plan (AgEMP). In order to facilitate the development of the AgEMP this program provides the farmer or rancher financial or technical assistance to enable them to comply with the AgEMP.

Organic Initiative: This initiative is intended to give financial assistance to address certain natural resource concerns for organic farmers or farmers who wish to transition to organic production who are implementing conservation practices.

Season High Tunnel Initiative: This initiative is intended to assist farmers and ranchers who seek to extend the growing season for certain "high-value" crops in an environmentally safe manner. This program can provide funding to address resource concerns in improving plant quality, soil quality, or reducing nutrient and pesticide transport.

Sage Grouse Initiative: This initiative focuses on providing funding to private landowners to use conservation programs to make significant progress to improving habitat for sage-grouse.

National Water Quality Initiative: This initiative is intended to provide technical and financial assistance to farmers and ranchers to implement planning tools to determine which conservation practices will best improve water quality.

AFO/CAFO: This initiative is intended to allocate funding to address resource concerns related to AFO/CAFO (Animal Feeding Operations/Concentrated Animal Feeding Operations).

Forestry: This initiative is intended to allocate funding to address resource concerns on non-industrial Private Forestland.

Soil Health: This initiative is intended to allocate funding to promote practices that improve soil health.

Species of Concern: This initiative is intended to allocate funding to directly improve habitat for endangered species or species of concern.

Streambank: This initiative is intended to allocate funding to address resource concerns related to bank erosion and riparian area degradation.

National priorities include: on-farm energy; organic; seasonal high tunnel; sage grouse; and water quality categories. Idaho priorities include: AFO/CAFO (Animal Feeding Operations/Concentrated Animal Feeding Operations); forestry; soil health; species concern; and stream bank categories. See USDA NATURAL RES. CONSERVATION SERV., *Idaho State EQIP*.

Additionally, certain categories of applicants will receive special consideration for funding, as defined below:

> **Limited Resource Farmers or Ranchers**: Defined as those whose total household income is at or below the national poverty level for a family of four, or less than 50% of the county median household income in each of the previous two years.
>
> **Beginning Farmers or Ranchers:** Defined as an applicant who has not operated a farm or ranch for more than ten consecutive years and who will materially and substantially participate in the operation of the farm or ranch.
>
> **Socially Disadvantaged Farmers or Ranchers:** Defined as an a applicant who is a member of a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities. These groups include American Indians, Alaskan Natives, Asians, Blacks or African Americans, Native American, Pacific Islanders, and Hispanics.
>
> **Veteran Farmers or Ranchers:** Defined as an applicant who served in the active military, naval, or air service; who was discharged or released from the service under any conditions other than dishonorable; and who has not operated a farm or ranch for more than 10 consecutive years.

Further information regarding special status applicants can be found on the Conservation Program Application, NRCS-CPA-1200.

Purpose of the program: This program allocates funds that were previously allocated under the Wildlife Habitat Incentives Program (WHIP). USDA NATURAL RES. CONSERVATION SERV., *Environmental Quality Incentives Program*. The purpose of the WHIP program was "to develop or improve high quality habitat that supports fish and wildlife populations of National, State, Tribal, and local significance." U.S. DEP'T OF AGRIC., *Wildlife Habitat Incentive Program*. (2011). The 2014 Farm Bill repealed the WHIP program; however, the EQIP program absorbed portions of the WHIP program, as well as some of its funding. *Id*.

The purpose of the EQIP program is to implement approved conservation practices on eligible land and "to help beginning and socially disadvantaged farmers and ranchers to pay for equipment needed to implement conservation practices." U.S. DEP'T OF AGRIC., 2015: BUDGET SUMMARY AND ANNUAL PERFORMANCE PLAN 62 (2015). The purpose of the EQIP program is "to provide assistance to landowners who face serious natural resource challenges that impact soil, water and related natural resources, including grazing lands, wetlands, and wildlife habitat." *Id*. at 65.

Funds granted by this program are intended to "address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land

and non-industrial private forestland." USDA NATURAL RES. CONSERVATION SERV., *Environmental Quality Incentives Program*.

Description of Funding Availability: In 2015, $6.2 billion was allocated for conservation purposes under the Farm Bill. U.S. DEP'T OF AGRIC., *2015: Budget Summary and Annual Performance Plan* 60-61 (2015). Of this $6.2 billion, 22% or approximately $1.4 billion is dedicated to the EQIP program. *Id*. Under the 2014 Farm Bill, which established the current federal approach to agricultural conservation programs, 5% of the money allocated to the EQIP program is set aside for dispersal to socially disadvantaged farmers and ranchers. *Id*. The amount of funding available for one producer under this program may not exceed $450,000 for the period of time between 2014 and 2018. *Id*. Funding is limited to applicants who have and adjusted gross income off less than $900,000 per year. *Id*.

Funding is available for a maximum of 10 years. USDA NATURAL RES. CONSERVATION SERV., *Idaho State EQIP*. These funds are intended to "address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland." *Id*.

Application Procedures: Applications should be submitted to the local NRCS office before November 21, 2014 for funding in 2015. *Id*. Applications received after that date will not be considered for funding until 2016. *Id*.

Applicants should contact their local NRCS Field Office for assistance with completing the EQIP application process. When meeting with NRCS Field Office Officials, applicants should be sure that they possess the necessary ownership rights regarding a proposed project and bring evidence sufficient to establish those ownership rights to their meeting. Additionally, it is helpful for applicants to ensure that all owners and family members are on board with the proposed project in order to avoid unnecessary complications.

Eligibility. Agricultural producers, owners of non-industrial private forestland, and Tribes are eligible to receive funds from EQIP. U.S. DEPT. OF AG., *Financial Assistance*. These applicants must: own or control eligible land (eligible land includes cropland, rangeland, pastureland, non-industrial private forestland and other farm or ranchlands); comply with adjusted gross income limitations; be in compliance with the highly erodible land and wetland conservation requirements; and develop an NRCS EQIP plan of operations. *Id*.

Application Process. The application form is the NRCS-CPA-1200. USDA NATURAL RES. CONSERVATION SERV., *Idaho State EQIP*. Applicants should be sure to also obtain copies of the NRCS-CPA-1202-CPC appendix which, provides terms and conditions of an EQIP contract. *Id*. Once completed the application form can be submitted to the NRCS Field Office. *Id*.

Ranking. After an application is submitted, the NRCS will rank the applications against others that were received within the same ranking period according to local resource concerns, the amount of conservations benefits that will be realized as a result of the project, the needs of the applicants, and according to state and national program priorities. *Id*. Further information may be

sought by the Field Office personal and may require on-site visits and/or personal communications with the applicant. *Id*. Applications are Funding for a project will be allocated based on these rankings. *Id*. Ranking also occurs in accordance with national and state evaluation ranking questions. *See* *EQIP Application Evaluation Ranking Too (AERT) National Questions*; *EQIP Application Evaluation Ranking Too (AERT) State Questions* (Idaho-specific).

Implementation. The time between filing and application for funding and being awarded funding can take several months. *Id*. NRCS notes, "It is important to keep in mind that any work begun or completed on the land offered for a contract before a fully approved contract is executed is not eligible for financial assistance, unless an approved waiver is secured in advance." *Id*.

The NRCS requires all applicants who receive funding to sign a contract and agree to implement the planned conservation practices to NRCS standards and specifications as scheduled. *Id*.

Idaho Locations Where Funds Are Used or Prioritized: Funds from this program typically are not restricted by region in Idaho. However, funds from this program are most commonly allocated to areas where there are significant farming or ranching operations.

Since 2014 the EQIP program has funded conservation efforts on 30 million acres to improve water quality, 6.8 million acres to improve soil quality, 27.4 million acres to improve and protect forest and grazing land resources, 3.4 million acres to improve fish and wildlife habitat. U.S. DEP'T OF AGRIC., *2015: Budget Summary and Annual Performance Plan* (2015).

Approximate Number of Program Projects in Idaho: Information not collected in this version

Other Governmental Entities and Contact: U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (Idaho NRCS). This is a federal agency however; the Idaho branch of NRCS administers this program in Idaho.

The Idaho EQIP Program Manager is Ron Brooks, Phone: (208) 378-5724, Email: Ron.Brooks@id.usda.gov. However, the USDA recommends contacting your local NRCS field office prior to contacting Mr. Brooks directly.

To locate your local NRCS field office use the interactive map found here.

Contact information for your local USDA Service Center can be using the interactive map found here: http://offices.sc.egov.usda.gov/locator/app?state=ID

Where to Start: Landowners interested in applying for funds through the EQIP program should contact their local NRCS field office. Staff at your local NRCS field office will provide applicants with free technical assistance and advice regarding possible conservation efforts on a particular parcel of land. NRCS staff will also assist applicants both in completing form AD 1026 concerning lands with highly erodible soils or wetland areas and form CPA 1200.

When contacting your local NRCS field office you make sure to bring your social security number or an employee ID, a property deed or other sufficient documentation to show you have control of the property, and a farm tract number. If you do not already have a farm tract number one can be obtained from your local USDA Service Center, which is typically in the same building as the NRCS field office.

Internet Resources:

NATURAL RES. CONSERVATION SERV., *Idaho: Programs*, http://www.nrcs.usda.gov/wps/portal/nrcs/main/id/programs/.

NATURAL RES. CONSERVATION SERV., *News Release: NRCS Announces Application Deadline Date for Popular Program*, http://www.nrcs.usda.gov/wps/portal/nrcs/detail/id/newsroom/releases/?cid=STELPRDB1262506.

NATURAL RES. CONSERVATION SERV., *Idaho State EQIP*, http://www.nrcs.usda.gov/wps/portal/nrcs/detail/id/programs/?cid=nrcs144p2_046764.

U.S. DEP'T. OF AGRIC., *USDA Service Center Locator*, http://offices.sc.egov.usda.gov/locator/app?state=ID.

Date Updated: April 13, 2015

Forest Legacy Program

Purpose of the program: The Forest Legacy Program (FLP), supports State efforts to protect environmentally sensitive, privately held, forestlands. USDA FOREST SERVICE, *Forest Legacy Program*. FLP funds can also be used to help the States develop and carry out forest conservation plans. *Id*. The FLP then provides further financial assistance to help States carry out these plans. *Id*. The FLP complements private, Federal and State programs focusing on conservation by directly supporting property acquisition and acquiring donated conservation easements. *Id*. FLP funded acquisitions serve public purposes identified by participating states and agreed to by the landowner. *Id*.

The purpose of this program is to maintain the integrity of forestlands, timber products, wildlife habitat, soil and watershed health, aesthetics and recreational communities by protecting privately owned forestlands. *Id*. The FLP seeks to procure partial interests in privately owned land from willing land owners who volunteer for the program. *Id*. By procuring partial interests in the land, the FLP maximizes the public benefit while allowing the land to remain under private ownership. *Id*.

In Idaho, Forest Legacy projects are intended to assure that high value forest lands remain both sustainable and workable. USDA FOREST SERVICE, *State and Private Forestry Fact Sheet: 2014 Idaho* (2014) [hereinafter *State and Private Forestry Fact Sheet*]. Idaho Forest Legacy projects are also intended to protect vital habitat for federally listed species. *Id*.

Program Funding Priorities: While funding priorities for this program include federally listed species, wildlife habitat, soil, watersheds, and recreation, all proposed projects must include at least 75% qualified forest land. USDA FOREST SERVICE, FOREST LEGACY PROGRAM IMPLEMENTATION GUIDELINES (2003) (amended 2011) [hereinafter IMPLEMENTATION GUIDELINES]. As defined in Idaho's Forest Action Plan, forests are "[a] large area where trees grow close together. Forests can be in rural and urban areas." STATE OF IDAHO, *Idaho Forest Action Plan, Part Two: Resource Strategy* (2010) (revised 2012) [hereinafter IDAHO FAP PART TWO].

Description of Funding Availability: In 2014 approximately $62 million was allocated to the FLP. USDA FOREST SERVICE, *Fiscal Year 2014 Project Selection Process for the Forest Legacy Program* (2014) [hereinafter *2014 Selection Process*]. In 2013, approximately $51 million was allocated to the FLP. USDA FOREST SERVICE, *Fiscal Year 2013 Project Selection Process for the Forest Legacy Program* (2013).

The federal government may fund up to 75% of project costs through the FLP, 25% of the costs must come from private, State, or local sources. IMPLEMENTATION GUIDELINES at 43–44. This 25% "match" requirement is often satisfied by a donation made by the landowner. *Id*. Individual projects will not receive funding in excess of $7,000,000. *2014 Selection Process*. A State may not receive funding in a single year in excess of $10,000,000. *Id*.

In 2010, 36 projects nationwide were granted funding. USDA FOREST SERVICE, *Fiscal Year 2012 Project Selection Process for the Forest Legacy Program* (2012). Funding awarded to proposed projects varied from $230,000 to $4,160,000, the average funding award was $2,011,000. *Id*. In 2014, only 14 projects were funded and the funding awarded ranged $500,000 to $6,000,000 with the average project funding being $3,183,000. *2014 Selection Process*.

Recently, in Idaho, several projects have received funding from the Forest Legacy Program including the McArthur Lake Addition, McArthur Lake East, and Boundary Connections projects. USDA FOREST SERVICE, *State and Private Forestry Fact Sheet: 2014 Idaho* (2014). Approximately $4,095,000 was awarded to the McArthur Lake Addition project, $5,250,000 to McArthur Lake East project, and $795,250 to the Boundary Connections project. *Id*. In 2015, two proposed projects in total requesting approximately $8,200,000 were ranked 3rd and 6th nationally. *Id*.

Application Procedures:

FLP encourages partnerships with local governments and land trusts. IMPLEMENTATION GUIDELINES. FLP funding is awarded to projects selected though a competitive merit based application process that is administered by the Washington Office of the U.S. Forest Service. *2014 Selection Process*.

To participate in the Forest Legacy Program, a state must first prepare an "Assessment of Need" plan (AON). *See* USDA FOREST SERVICE, FOREST LEGACY PROGRAM USERS' GUIDE § 1.1 (2006); *see also* IDAHO DEP'T OF LANDS, FAQS – THE FOREST LEGACY PROGRAM § 2. This plan must be approved by the Forest Service. *Id*. The assessment is prepared by the agency designated by the governor to serve as the lead agency for the FLP. *Id*. The assessment must be prepared with public participation and in cooperation with by the State Forest Stewardship Coordinating Committee before submission to the Forest Service. *Id*. The Forest Service typically grants funds to a state to help cover the cost of the assessment, and state agencies may use the services of land trusts in preparing it. *Id*. In Idaho, the Idaho Department Lands is responsible for administering the FLP. *Id*. The AON must document the need for a Forest Legacy Program, establish eligibility criteria, set guidelines and identify priority areas for protection. *Id*. At a minimum FLP projects must satisfy the following criteria: environmentally important forest areas, which include areas important for scenic, recreational, riparian, ecological, cultural, or traditional forest uses, and threatened by conversion to non-forest uses. *Id*

The Idaho Department of Lands must work with a "State Forest Stewardship Coordinating Committee" in ranking applications. *Id*. The Committee is made up of representatives of various groups interested in forest conservation. *Id*. In many states, land trusts are represented on the Committee. *Id*.

Once the state assessment is approved, the FLP may be implemented in one of two ways: the Forest Service can purchase land or easements directly or the state may receive grant funds for land or easements in Forest Legacy Areas itself. *Id*. Regardless, whenever FLP funds are used to acquire a tract, including whenever funds are used for pre-acquisition work by land trusts, federal acquisition procedures must be followed. *Id*. The most significant of these are: federal appraisal standards must be met, the landowner must be informed of the fair market value of the easement or title, and the sale of the property must be voluntary; title must be free and unencumbered or title insurance must be secured; and, no more than fair market value may be paid. *Id*.

Participation in Forest Legacy is limited to private forest landowners whose land is within a designated Forest Legacy Area. *Id*. To qualify for FLP funds, landowners must prepare a forest stewardship plan or multiple resource management plan. *Id*. *See also* IMPLEMENTATION GUIDELINES at 35. The project must also: meet one or more of Idaho's Forest Legacy Program goals; be sponsored by a Federal or State agency or land trust; be at least 5 acres in size; and, be comprised of at least 70% forest land and landowners. *Id*. In addition, landowners must agree to an appraisal performed by a qualified appraiser; not to receive payment until federal funding is secured; to allow annual inspection of the property; and to grant the easement in perpetuity.

Eligibility. Generally, the landowner must also own fee title to the land on which the proposed easement will rest. Additionally, all eligible applications must propose easement on forestland located within the state designated AON.

Application Process. Applications are completed in cooperation with the Idaho Department of Lands. IDAHO DEPARTMENT OF LANDS, *Idaho Forest Legacy Program*. Proposals for specific Forest Legacy Areas must identify the areas on a map, describe their environmental values and how they will be protected, and identify the public benefits each project will yield, identify who will have management responsibility, and document the public involvement process. IMPLEMENTATION GUIDELINES.

Applications are first reviewed by regional branches of the Forest Service to make sure that they are consistent with the state AON; that the proposed projects are located in a designated Forest Legacy Area; and that the proposals do not request funds exceeding 7 million dollars for an individual project. USDA FOREST SERVICE, *Fiscal Year 2012 Project Selection Process for the Forest Legacy Program* (2012). It is important to note that in addition to the individual project fund limit of 7 million dollars, a state may not submit more than three projects and those three projects cannot combine to request funds in excess of 10 million dollars. *Id*.

Once submitted by the appropriate state entity, an application is reviewed by the Forest Stewardship Coordinating Committee and then approved by the designated state agency. *Id*. The amount requested for funding must be based on an appraisal performed by a qualified appraiser. . IMPLEMENTATION GUIDELINES at 31–32. To be qualified, the appraiser must be State certified and conform to the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Appraisal Standards of Professional Appraisal Practices. *Id*.; *see also* IMPLEMENTATION GUIDELINES at 19, Appendix H.

Ranking. Applications are then grouped into regional project lists. *Id*. Any apparent deficiencies found by the Forest Service Washington Office or FLP program personnel are noted at this point. *Id*. The Washington Office then submits the project proposals and distributes them to the National Review Panel. *Id*. The Panel includes three Forest Service WO representatives, three R/A/I representatives, and four State Lead Agency representatives. *Id*. The Panel reviews and ranks projects based on scoring guidelines they receive from the Washington Office. *Id*.; for 2012 scoring guidelines, *see* Enclosure 1. After ranking the proposed projects, The Panel submits the final Project List to the State and Private Forestry Deputy Chief for approval. The State and Private Forestry Deputy Chief will then obtain clearance for the FLP list. *Id*.

Implementation. Most FLP conservation easements restrict development, require sustainable forestry practices, and protect other values. These requirements and restrictions are dependent on the project receiving funding and the result of negotiations between the landowner and Designated State Agency.

In order to participate in the FLP Program the agreement between the Forest Service and the landowner must include both a perpetuity provision and a provision requiring at least annual monitoring of property. For Example, standard language requiring perpetuity might include "The governmental entity holding title to interests in land acquired under the FLP shall monitor and manage those interests in perpetuity." *Id*. at 21. The contract will also provide for enforcement of the provisions of the easement as well as consequences for a landowner who fails to act according to the terms of the easement. *Id*. An example of a standard monitoring form can be found attached in the IMPLEMENTATION GUIDELINES at 121.

The application process can be lengthy. The typical time between project identification and funding often takes 1 to 3 years. *Id*. at 57. Additionally, the time between funding and of a project and project closing can take an additional 2 years. *Id*.; for a general timeline of the funding process, *see id*. at 58.

Idaho Locations Where Funds Are Used or Prioritized: For examples of projects, see press releases on two recent projects in Boundary County and McArthur Lake Forestland.

Approximate Number of Program Projects in Idaho: Information not collected in this version.

Where to Start: Landowners interested in applying for funds through the FLP program should begin by contacting the Idaho Department of Lands.

Idaho Agencies and Contact: Karen Sjoquist, Idaho Department of Lands (http://www.idl.idaho.gov/), 3284 W. Industrial Loop, Coeur d'Alene, ID 83815-8918, Telephone: 208-769-1525, Fax: 208-769-1524, Email: ksjoquist@idl.state.id.us.

Other Governmental Entities and Contact: Janet Valle, USDA Forest Service 324 25th St., Ogden, UT 84401, Telephone: 801-625-5258, Fax: 801-625-5716, jvalle@fs.fed.us.

Internet Resources:

IDAHO DEP'T OF LANDS, *Home*, http://www.idl.idaho.gov/

USDA FOREST SERVICE, FOREST LEGACY PROGRAM
USERS' GUIDE (2006), http://www.fs.fed.us/cooperativeforestry/library/flp_usersguide.pdf.

USDA FOREST SERVICE, *Forest Legacy Program, Links and Other Information*, http://www.fs.fed.us/cooperativeforestry/library/flp_links.shtml.

Date Updated: April 4, 2015

Agricultural Conservation Easement Program (ACEP) – Agricultural Land Easements (ALE)

Purpose of the program: The purpose of Agricultural Conservation Easement Program (ACEP) is to restore, protect, and enhance wetlands on eligible land; to protect agricultural viability and related conservation values of eligible land by limiting nonagricultural uses of that land; and protect grazing uses and related conservation values by restoring and conserving eligible land. NATURAL RESOURCES CONSERVATION SERVICE, *Agricultural Conservation Easement Program* (2015) [hereinafter ACEP]. Arising from the 2014 Farm Bill, ACEP consolidates the purposes of what were formerly the Farm and Ranch Lands Protection Program (FRPP), the Grassland Reserve Program (GRP), and the Wetlands Reserve Program (WRP) into one easement program with two components: the Agricultural Land Easements (ACEP-ALE); and the Wetland Reserve Easements (ACEP-WRE). *Id.*

Under ACEP-ALE, NRCS provides cost-share assistance to eligible entities to purchase agricultural land easements from eligible landowners to protect the agricultural use, including grazing uses, and related conservation values on eligible lands. *Id.* Further, under the Agricultural Land component, NRCS may contribute up to 50 percent of the fair market value of the agricultural land easement. *Id.* Where NRCS determines that grasslands of special environmental significance will be protected; NRCS may contribute up to 75 percent of the fair market value of the agricultural land easement. *Id.*

Program Funding Priorities: Under ACEP-ALE, NRCS facilitates and provides cost share assistance for the purchase by eligible entities of agricultural land easements or other interests in eligible private or Tribal land that is subject to a written pending offer from an eligible entity for the purpose of protecting the agricultural use, including grazing, and related conservation values of the land by limiting nonagricultural uses of the land. *Id.* ACEP-ALE easements are available to Indian Tribes, state and local governments, and non-governmental organizations to protect agricultural lands and limit non-agricultural uses of the land. *Id.*

Description of Funding Availability: In 2014, ACEP distributed a total of $328,483,333 in allocation to the 50 States, including program implementation and support costs. NATURAL RESOURCES CONSERVATION SERV., *2014 ACEP Funding Distributions by State*, (2015) [hereinafter *2014 Allocation by State*]. Program implementation and support costs include imagery acquisition, business tools, monitoring, partner agreements, emergency allocations to States, and beyond. Idaho received a total of $3,471,047 in allocation. *Id.* Nearby States, such as Wyoming, Colorado, and Utah received a total of $1,630,955, $4,494,749, and $4,404,554 in allocation, respectively. *Id.*

Application Procedures: To enroll land through ACEP-ALE, applicants must submit an entity application for an agreement and any associated individual parcel applications to NRCS in the state where parcels are located. COMMODITY CREDIT CORP., *Interim Rule: Agricultural Conservation Easement Program*, 80 FED. REG. 11031, 11055 (2015) [hereinafter *Interim Rule*]. Use the following steps to help ensure a complete and accurate application:

Eligibility. Applicants must demonstrate they are an eligible *entity* to apply for an ACEP-ALE easement.

A. Eligible Entity

To be eligible to receive ACEP–ALE funding, an Indian Tribe, State, unit of local government, or a nongovernmental organization must meet the following definition of eligible *entity*:

> "Any Indian Tribe, state government, local government, or nongovernmental organization which has a farmland or grassland protection program that purchases agricultural land easements for the purpose of protecting agricultural use and related conservation values, by limiting conservation to nonagricultural uses of the land."

Id. at 11054.

B. Eligible Land

To be eligible to receive ACEP-ALE funding, an Indian Tribe, State, unit of local government, or a nongovernmental organization must possess land that meets the following definition of eligible *land*: "Any private or Tribal land that NRCS has determined to meet the requirements of the ACEP program." *Id.*

C. Pre-Application Requirements

Eligible entities interested in receiving ACEP–ALE funds must provide NRCS sufficient evidence of: a commitment to long-term conservation of agricultural lands; a capability to acquire, manage, and enforce easements; sufficient number of staff dedicated to monitoring and easement stewardship; and the availability of funds at the time of application sufficient to meet the eligible entity's contribution requirements for each parcel proposed for funding. NATURAL RESOURCES CONSERVATION SERV., *Conservation Easement Manual*, (2014) [hereinafter *Conservation Manual*]

Application Process. If you believe you are an eligible entity with eligible land, and you satisfy the pre application requirements, the next step is to contact your local NRCS field office. A NRCS representative will discuss a vision for your land and help guide you through the process.

Before contacting an NRCS representative, be prepared to discuss, demonstrate, and/or disclose the following information:

(1) Free and clear ownership of the land with valid title and deed;
(2) Any family disputes and/or disagreements with regard to the land;
(3) Post agreement obligations;
(4) The application process;
(5) An official tax ID (Social Security number or an employer ID);
(6) If applying under an employer ID number, then a DUNS number and current CCR registration are required;
(7) A property deed or lease agreement to show you have control of the property; and
(8) A farm tract number.

Interim Rule at 11054.

To participate in ACEP-ALE, eligible entities must submit applications to NRCS state offices to partner with NRCS to acquire conservation easements on eligible land. *Id.* Eligible entities with applications selected for funding must enter into a cooperative agreement with NRCS and use the NRCS required minimum deed terms specified therein, the effect of which is to protect natural resources and the agricultural nature of the land and permit the landowner the right to continue agricultural production and related uses subject to an agricultural land easement plan as approved by NRCS. *Id.*

Under the agreement, the Federal share of the cost of an agricultural land easement or other interest in eligible land will not exceed 50 percent of the fair market value of the agricultural land easement and the eligible entity will provide a share that is at least equivalent to the Federal share, and at least 50 percent of the eligible entity share is from the eligible entity's own cash resources unless otherwise specified in this part. *Id.*

The duration of each agricultural land easement or other interest in land will be in perpetuity or the maximum duration permitted by State law. NATURAL RESOURCES CONSERVATION SERV., *ACEP Example Contract, (2015)*

Ranking. NRCS will take a look at the applications and rank them according to local resource concerns, the amount of conservation benefits the work will provide and the needs of applicants. Interim Rule at 11055. Priority will be given to applications with the most agricultural and conservation use. *Id.*

NRCS uses national and State criteria to score and rank eligible parcels. The national ranking criteria will comprise at least half of the ranking score. *Id.* The State criteria will be developed by NRCS on a State-by-State basis, with advice from the State Technical Committee. Eligible parcels are ranked at the State level. *Id.* The National Ranking Criteria are as follows:

(1) Percent of prime, unique, and other important farmland in the parcel to be protected;

(2) Percent of cropland, rangeland, grassland, historic grassland, pastureland, or nonindustrial private forest land in the parcel to be protected;
(3) Ratio of the total acres of land in the parcel to be protected to average farm size in the county according to the most recent USDA Census of Agriculture;
(4) Decrease in the percentage of acreage of farm and ranch land in the county in which the parcel is located between the last two USDA Censuses of Agriculture;
(5) Percent population growth in the county as documented by the United States Census;
(6) Population density (population persquare mile) as documented by the most recent United States Census;
(7) Existence of a farm or ranch succession plan or similar plan established to address farm viability for future generations;
(8) Proximity of the parcel to other protected land, such as military installations; land owned in fee title by the United States or an Indian Tribe, State or local government, or by a nongovernmental organization whose purpose is to protect agricultural use and related conservation values; or land that is already subject to an easement or deed restriction that limits the conversion of the land to nonagricultural use;
(9) Proximity of the parcel to other agricultural operations and agricultural infrastructure;
(10) Maximizing the protection of contiguous acres devoted to agricultural use; and
(11) Whether the land is currently enrolled in CRP in a contract that is set.

Interim Rule at 11056.

Implementation. If selected, the landowner can choose whether to sign the contract for the work to be done. Once the contract is signed, the landowner will be provided standards and specifications for completing the practice or practices, and then the landowner will have a specified amount of time to implement. *Id.* Once the work is implemented and inspected, the landowner will be paid the rate of compensation for the work if it meets NRCS standards and specifications. *Id.*

Idaho Locations Where Funds Are Used or Prioritized: Information not collected in this version.

Approximate Number of Program Projects in Idaho: Information not collected in this version.

Where to Start: Ensure you are an eligible entity with eligible land and acquire the proper documentation to demonstrate proof of title. Get all family affairs in order and be able to demonstrate with no exception that all landowners are in agreement with the idea of an easement. After these steps are completed, contact Wade Brown to get a plan started.

Idaho Agencies and Contacts: Wade Brown, Idaho NRCS Easement Coordinator, Idaho Natural Resource Conservation Service (NRCS), 9173 W. Barnes Drive, Suite C, Boise, ID 83709-1574, Tel: (208)-685-6987; Fax: (855)-524-1691; E-mail: wade.brown@id.usda.gov.

Other Governmental Entities and Contacts: Grants to Idaho landowners are administered through the USDA and NRCS.

Internet Resources:

NATURAL RES. CONSERVATION SERV., *ACEP Homepage* (2015), http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/easements/acep/.

NATURAL RES. CONSERVATION SERV., *ACEP - Idaho Homepage* (2015), http://www.nrcs.usda.gov/wps/portal/nrcs/main/id/programs/easements/acep/.

Date Updated: April 5, 2015

Agricultural Conservation Easement Program (ACEP) – Wetland Reserve Easements (WRE)

Program Funding Priorities: As noted when discussing the ACEP-ALE program, the purpose of Agricultural Conservation Easement Program (ACEP) generally is to restore, protect, and enhance wetlands on eligible land, to protect the agricultural viability, and related conservation values of eligible land by limiting nonagricultural uses of that land, and protect grazing uses and related conservation values by restoring and conserving eligible land. ACEP consolidates the purposes of what were formerly the Farm and Ranch Lands Protection Program (FRPP), the Grassland Reserve Program (GRP), and the Wetlands Reserve Program (WRP) into one easement program with two components: the Agricultural Land Easements (ACEP-ALE); and the Wetland Reserve Easements (ACEP-WRE). National Resource Conservation Service, *Agricultural Conservation Easement Program*, (2015) [hereinafter *ACEP*]

Under ACEP-WRE, NRCS provides technical and financial assistance directly to private landowners and Indian tribes to restore, protect, and enhance wetlands. For acreage owned by an Indian tribe, there is an additional enrollment option of a 30-year contract. *Id.*

Through the wetland reserve enrollment options, NRCS may enroll eligible land through:

1. Permanent Easements

Permanent Easements are conservation easements in perpetuity. NRCS pays 100 percent of the easement value for the purchase of the easement. Additionally, NRCS pays between 75 to 100 percent of the restoration costs. *Id.*

2. 30-year Easements

30-year easements expire after 30 years. Under 30-year easements, NRCS pays 50 to 75 percent of the easement value for the purchase of the easement. Additionally, NRCS pays between 50 to 75 percent of the restoration costs. *Id.*

3. Term Easements

Term easements are easements that are for the maximum duration allowed under applicable State laws. NRCS pays 50 to 75 percent of the easement value for the purchase of the term easement. Additionally, NRCS pays between 50 to 75 percent of the restoration costs. *Id.*

4. 30-year Contracts

30-year contracts are only available to enroll acreage owned by Indian tribes, and program payment rates are commensurate with 30-year easements. *Id.*

For ACEP-WRE, NRCS pays all costs associated with recording the easement in the local land records office, including recording fees, charges for abstracts, survey and appraisal fees, and title insurance. *Id.*

Purpose of the program: ACEP-WRE is designed to protect, restore, and enhance the functions and values of wetland ecosystems to attain:

> (1) Habitat for migratory birds and other wetland-dependent wildlife, including endangered or threatened species and species of concern;
> (2) Protection and improvement of water quality;
> (3) Attenuation of floodwater;
> (4) Recharge of ground water;
> (5) Protection and enhancement of open space and aesthetic quality;
> (6) Carbon sequestration;
> (7) Protection of native flora and fauna contributing to the Nation's natural heritage; and
> (8) Contribution to educational and scientific scholarship.

COMMODITY CREDIT CORP., *Interim Rule: Agricultural Conservation Easement Program* 80 FED REG. 11031, 11060 (2015) [hereinafter Interim Rule]

Description of Funding Availability: In 2014, ACEP distributed a total of $328,483,333 in allocation to the 50 States, including program implementation and support costs. Program implementation and support costs include imagery acquisition, business tools, monitoring, partner agreements, emergency allocations to States, etc. Idaho received a total of $3,471,047 in allocation. Similar states, such as Wyoming, Colorado, and Utah received a total of $1,630,955, $4,494,749, and $4,404,554 in allocation, respectively. NATURAL RESOURCES CONSERVATION SERVICE, *2014 ACEP Funding Distributions by State*, (2015) [hereinafter *2014 Allocation by State*].

Application Procedures:

Eligibility. Once the documents provided by the landowner have been received, NRCS must determine if the landowner is eligible to participate in the program by reviewing the following information:

> (1) Evidence of ownership to determine that the land has been owned by the applicant for at least 24 months, unless proof is provided of adequate assurances that the land was not acquired for the purposes of enrolling in ACEP-WRE.
> (2) Evidence of the landowner ability to provide unencumbered, unrestricted, and transferable legal right of access from an identified Federal, State, or local public right of way to the entire enrolled area for the term of the enrollment;

(3) Documentation from FSA that all persons and entities on the deed are compliant with the HEL/WC provisions of the Food Security Act of 1985;
(4) Documentation from FSA that all persons and entities on the deed are eligible for payment based on the adjusted gross income provisions of the Food Security Act of 1985 so that NRCS can determine whether a payment reduction applies;
(5) Evidence of signature authority to determine its sufficiency;
(6) Proof that the entity is legal and valid in the State where the land is located, usually evidenced by a certificate of good standing from the secretary of the State;
(7) Evidence of a valid DUNS number and current registration in SAM if landowner is an entity;
(8) Proof of ownership of sufficient water rights, when needed for wetland restoration.

Interim Rule at 11061.

Application Process. To apply for enrollment, a landowner must submit an application to NRCS. By filing an application, the landowner consents to an NRCS representative entering upon the land for purposes of assessing the wetland functions and values and for other activities, such as the ranking and development of the preliminary WRPO, that are necessary or desirable for NRCS to evaluate applications. *Interim Rule* at 11062. The landowner is entitled to accompany an NRCS representative on any site visits. *Id.* In order to enhance the probability of enrollment in ACEP–WRE, the landowner or someone other than the landowner may offer to contribute financially to the cost of the acquisition or restoration of the wetland reserve easement to leverage Federal funds. This offer must be made in writing to NRCS. *Id.*

Award Procedure. When evaluating easement or 30-year contract applications from landowners, NRCS, with advice from the State Technical Committee, may consider:

(1) The conservation benefits of obtaining an easement or other interest in the land, including but not limited to: (i) Habitat that will be restored for the benefit of for migratory birds and wetland-dependent wildlife, including diversity of wildlife that will be benefitted or life-cycle needs that will be addressed; (ii) Extent and use of habitat that will be restored for threatened, endangered, or other at-risk species or number of different at-risk species benefitted; (iii) Protection or restoration of native vegetative communities; (iv) Habitat diversity and complexity to be restored; (v) Proximity and connectivity to other protected habitats; (vi) Extent of beneficial adjacent land uses; (vii) Proximity to impaired water bodies; and (viii) Extent of wetland losses within a geographic area, including wetlands generally or specific wetland types.

Id. at 11063.

Implementation. Based on the priority ranking, NRCS will notify an affected landowner of tentative acceptance into the program. *Id.* The notice of tentative acceptance into the program does not bind NRCS or the United States to enroll the proposed project in ACEP–WRE, nor does it bind the landowner to continue with enrollment in the program. *Id.* The notice informs the landowner of NRCS' intent to continue the enrollment process on their land. *Id.* For applications

requesting enrollment through ACEP-WRE NRCS will present an agreement to purchase to the landowner which will describe the easement area, the easement compensation amount, the easement terms and conditions, and other terms and conditions for participation that may be required by NRCS as appropriate. *Id.* The easement compensation amount will be based upon the lowest of the fair market value of the land, the geographic area rate cap, or the landowner offer. *Id.* The landowner accepts enrollment in the ACEP–WRE by signing the agreement to purchase. *Id.* NRCS will continue with easement acquisition activities after the property has been enrolled. (2) 30-year contract. *Id.* For applications requesting enrollment of acreage owned by an Indian tribe through the 30-year contract option, NRCS will present an agreement to enter 30-year contract to the Tribal landowner which will describe the contract area, the contract terms and conditions, and other terms and conditions for participation that may be required by NRCS as appropriate. *Id.* The Tribal landowner accepts enrollment in the ACEP–WRE by signing the agreement to enter 30- year contract. *Id.* NRCS will proceed with implementation of the WRPO after the 30-year contract has been executed. *Id.*

Idaho Locations Where Funds Are Used or Prioritized: Information not collected in this version.

Approximate Number of Program Projects in Idaho: Information not collected in this version.

Where to Start: Ensure you are an eligible entity with eligible land and acquire the proper documentation to demonstrate proof of title. Get all family affairs in order and be able to demonstrate with no exception that all landowners are in agreement with the idea of an easement. After these steps are completed, contact Wade Brown to get a plan started.

Idaho Agencies and Contacts: Wade Brown, Idaho NRCS Easement Coordinator, Idaho Natural Resource Conservation Service (NRCS), 9173 W. Barnes Drive, Suite C, Boise, ID 83709-1574, Tel: (208)-685-6987; Fax: (855)-524-1691; E-mail: wade.brown@id.usda.gov

Other Governmental Entities and Contacts: Grants to Idaho landowners are administered through the USDA and NRCS.

Internet Resources:

NATURAL RES. CONSERVATION SERV., *ACEP Homepage* (2015), http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/easements/acep/.

NATURAL RES. CONSERVATION SERV., *ACEP - Idaho Homepage* (2015), http://www.nrcs.usda.gov/wps/portal/nrcs/main/id/programs/easements/acep/.

Date Updated: April 3, 2015

Bonneville Power Administration (BPA) – Wildlife Mitigation

Program Funding Priorities: Priority for funding from this program is given to land that will best mitigate the impacts on wildlife caused by the development of dams in Southern Idaho. BONNEVILLE POWER ADMINISTRATION, *Southern Idaho Wildlife Mitigation Memorandum of Agreement* (2014). Typically, land located near the border of existing Idaho Fish and Game land is given higher priority and land that is isolated or remote from State owned land. Projects that have considerable funding already or are likely to receive a portion of funding from another source are also more likely to receive funding under this program.

Purpose of the program: The purpose of this program is to mitigate the impacts on wildlife from development of dams in Southern Idaho. *Id*. The Northwest Power Act requires BPA to mitigate the impacts to wildlife that are caused by the development and operation of dams. BONNEVILLE POWER ADMINISTRATION, *Integrated Fish and Wildlife Program*. An Impact Assessment is conducted by State and Tribal entities in order to accurately quantify the impacts of BPA's actions. *Id*. BPA mitigates the impacts enumerated in the Impact Assessment by funding projects submitted by tribal governments, state agencies, private property owners, private conservation groups, or federal agencies. *Id*. The current source of funding under this program is the result of an agreement between the State of Idaho and BPA for the "protection and enhancement of at least 8,588 acres of wildlife habitat." IDAHO GOVERNOR'S OFFICE, *Governor Otter, BPA Reach $40 Million Agreement for Habitat and Access* (2014). Under this agreement, BPA is to provide the Idaho Fish and Game with $40 million over ten years for the purchase of fee title and establishment of conservation easements on private lands and for the maintenance of these lands. *Id*.

Description of Funding Availability: Currently, there is approximately $40 million available in Idaho for conservation purposes. *Id*. However, this entire amount will not be used to purchase fee title or conservation easements. Some portion of the funds must be reserved in order to ensure that the lands can be properly maintained for future generations. It is important to note that the Idaho Department of Fish and Game will not negotiate over price. The price the Idaho Department of Fish and Game will pay is limited to the appraised value at the lands highest and best use.

Application Procedures: Application procedures for funding under this program will vary greatly depending on the source of funding that is sought. For instance, the application for funding under the Idaho Fish Accords is managed by the Idaho Office of Species Conservation while funding under the Wildlife Mitigation Program is handled by the Idaho Department of Fish and Game. Currently, funding is only available under the Wildlife Mitigation Program administered by the Idaho Department of Fish and Game.

Eligibility. Neither BPA nor the distributive government agencies in charge of these funds have published specific requirements applicants must satisfy to be eligible for funding from BPA wildlife mitigation funds. However, there are many general requirements, which apply to nearly all applicants for conservations easements. Applicants must have a fee title interest in the lands on which the proposed easement will rest. For properties with multiple owners of a fee title interest in land, the owners much each agree to subject their land to the easement. Generally, the land in question must also be of a nature that the easement will result in material benefits to wildlife or fish habitats.

Application Procedures. The application process for the Idaho Department of Fish and Game begins with the proposal of a project brought to the Idaho Department of Fish and Game by and land trust to the land acquisition committee. The committee then scores and gives a recommendation as to whether the project should proceed. The director then either approves or denies the committee recommendation. If approved, the project proposal will go to the Committee again sitting in executive session. If the Committee approves project again it is then implemented after final approval in open session.

Ranking. The BPA has not stated specific ranking criteria by which funding from this program is allocated. Currently, funds for wildlife management are available only through the Wildlife Mitigation Fund managed by the Idaho Department of Fish and Game (funds that were previously available through the Idaho Fish Accords through the Idaho Office of Species Conservation have been fully allocated). In general, when ranking projects, the Idaho Department of Fish and Game prefers projects that border existing Idaho Fish and Game managed lands and projects that will provide significant benefits to wildlife and/or wildlife habitat.

Implementation. This funding process can take up to several years. At the very least applicants should be prepared to wait several months before receiving an award or denial of funding. The time required for an award or denial of funding can vary greatly from project to project depending on the complexity of the project, the priority the project is given amongst other proposed projects, and the availability of funding.

Post-agreement Monitoring and Obligations are negotiated between the parties involved in the project. The Idaho Department of Fish and Game prefers to limit monitoring burdens so the monitoring obligations often rest with the land trust organization while the Idaho Department of Fish and Game retains a third party right of enforcement.

Idaho Locations Where Funds Are Used or Prioritized: Funds currently available for mitigation efforts under this program are intended for use in Southern Idaho including the Palisades, Black Canyon, Minidoka, and Anderson Ranch areas.

Approximate Number of Program Projects in Idaho: Information not collected in this version.

Idaho Agency and Contact: Idaho Department of Fish and Game contact: Gregg Servheen, Wildlife Program Coordinator, 600 S. Walnut, Boise, ID 83712, phone: (208) 334-3700.

Other Governmental Entities and Contact: The BPA is a branch of the Department of Energy. Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208-3621, Phone Numbers: 800-282-3713 or 503-230-3000.

Where to Start: Begin by contacting a local land trust organization. Alternatively, the Idaho Department of Fish and Game may be contacted directly however; it is likely they will simply forward you to an appropriate land trust organization. Idaho Department of Fish and Game contact: Gregg Servheen, Wildlife Program Coordinator, 600 S. Walnut, Boise, ID 83712, phone: (208) 334-3700.

Internet Resources:

BONNEVILLE POWER ADMIN., *Administrator's Record of Decision and Response to Comments: Southern Idaho Wildlife Mitigation: Memorandum of Agreement, September, 2014*, http://www.bpa.gov/news/pubs/RecordsofDecision/rod-20140923-Southern-Idaho-Wildlife-Mitigation-Memorandum-of-Agreement.pdf.

IDAHO OFFICE OF THE GOVERNOR, *Governor Otter, BPA Reach $40 Million Agreement for Habitat and Access*, http://gov.idaho.gov/mediacenter/press/pr2014/9%20September/pr_56.html.

BONNEVILLE POWER ADMIN., *Wildlife Mitigation*, http://efw.bpa.gov/IntegratedFWP/wildlife.aspx.

Date Updated: April 14, 2015

Conservation Stewardship Program (CSP)

Program Funding Priorities: The CSP was established under the 1996 Farm Bill to fund the purchase of conservation easements of 170,000-340,000 acres of land having prime or unique soil or other desirable production qualities that are threatened by urban development. CSP is continued under the 2014 Farm Bill with the same priorities, to protect land having prime or unique soil, with a few changes intended to better the program. The following is a summary of those changes:

- Limits eligible land to that in production for at least 4 of the 6 years preceding February 7, 2014, the date of enactment of the Agricultural Act of 2014;
- Requiring contract offers to meet stewardship threshold for at least two priority resource concerns and meet or exceed one additional priority resource concern by the end of the stewardship contract;
- Allowing enrollment of lands that are protected by an agricultural land easement under the newly authorized Agricultural Conservation Easement Program (ACEP);
- Allowing enrollment of lands that are in the last year of the Conservation Reserve Program.
- Allowing contracts to be renewed if the threshold for two additional priority resource concerns will be met or the stewardship threshold will be exceeded for two existing priority resource concerns;
- Requiring that at least five priority resource concerns be identified for each area or watershed;
- Emphasizing conservation activities to be implemented across the agricultural operation;
- Authorizing supplemental payment for improving a resource conserving crop rotation;
- Authorizing annual enrollment of 10,000,000 acres rather than enrollment of 12,769,000 acres authorized by the 2008 Act;
- Establishing CSP as a covered program authorized to accomplish the purposes of Regional Conservation Partnership Program (RCPP);
- Removing the acre cap for non-industrial private forestland (NIPF); and
- Authorizing Veteran preference.

NATURAL RES. CONSERVATION SERV., *2014 Farm Bill Rules - Changes In The CSP Interim Final Rule*, (2015).

Purpose of the program: In general**,** the purpose of the CSP is to help agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resources concerns. CSP provides two types of payments through five-year contracts: annual payments for installing new conservation activities and maintaining existing practices; and supplemental payments for adopting a resource-conserving crop rotation. Producers

may be able to renew a contract if they have successfully fulfilled the initial contract and agree to achieve additional conservation objectives. Payments are made soon as practical after October 1 of each fiscal year for contract activities installed and maintained in the previous year. NATURAL RES. CONSERVATION SERV., *Program Overview* (2015) [hereinafter *Overview*].

CSP encourages land stewards to improve their conservation performance by installing and adopting additional activities, and improving, maintaining, and managing existing activities on agricultural land and nonindustrial private forest land. *Id.*

For farmers in particular, the third-party Conservation Stewardship Farmer's Guide may be of interest. NAT'L SUSTAINABLE AGRIC. COAL., CONSERVATION STEWARDSHIP PROGRAM FARMER'S GUIDE (2014) [hereinafter FARMER'S GUIDE]

Description of Funding Availability: CSP presents a significant shift in how NRCS provides conservation program payments. Instead of using the traditional compensation model that pays a per-acre rental rate or a percentage of the estimated cost of installing a practice, CSP pays for conservation performance — the higher the performance, the higher the payment. *Overview*.

Application Procedures:

You can play a large role in determining whether or not CSP is right for you. Here's how: Download and fill out the 2015 Conservation Stewardship Self-Screening Checklist. You don't have to turn it in to NRCS; it's there to help you determine for CSP is right for you. If you have questions regarding the Checklist, please contact your local NRCS office. NATURAL RES. CONSERVATION SERV., *Conservation Stewardship Program Self Screening Checklist* (2015) [hereinafter CSP Checklist].

Eligibility. Eligible lands include private and Tribal agricultural lands, cropland, grassland, pastureland, rangeland and nonindustrial private forest land. CSP is available to all producers, regardless of operation size or type of crops produced, in all 50 states, the District of Columbia and the Caribbean and Pacific Island areas. Applicants may include individuals, legal entities, joint operations or Indian tribes that meet the stewardship threshold for at least two priority resource concerns when they apply. They must also agree to meet or exceed the stewardship threshold for at least one additional priority resource concern by the end of the contract. *Overview.*

Application Process. To get started with NRCS, fill out the CSP checklist and then contact the local NRCS field office. They will discuss a vision for the land and help guide through the process. At this meeting, NRCS provides landowners with free technical assistance, or advice, for their land. Common technical assistance includes: resource assessment, practice design and resource monitoring. NRCS will walk through the application process with you. To get started on applying for financial assistance, NRCS works with landowners:

- To fill out an AD 1026, which ensures a conservation plan is in place before lands with highly erodible soils are farmed. It also ensures that identified wetland areas are protected.
- To meet other eligibility certifications.

Applications for most programs are accepted on a continuous basis, but they're considered for funding in different ranking periods. For more help getting started with NRCS, see the NRCS "5 steps to Assistance" page. NATURAL RES. CONSERVATION SERV., *Get Started with NRCS* (2015); *see also* NATURAL RES. CONSERVATION SERV., *Program Application* (2014).

Award Procedure. NRCS will take a look at the applications and rank them according to local resource concerns, the amount of conservation benefits the work will provide and the needs of applicants. NATURAL RES. CONSERVATION SERV., *CSP Scoring Tool*, (2015).

Implementation. If selected, the landowner can choose whether to sign the contract for the work to be done. Once the contract is signed, the landowner will be provided standards and specifications for completing the practice or practices, and then the landowner will have a specified amount of time to implement. Once the work is implemented and inspected, the landowner will be paid the rate of compensation for the work if it meets NRCS standards and specifications. *Overview*.

Approximate Number of Program Projects in Idaho: There were over 100 projects in place in 2014 throughout the United States.

Where to Start: Begin by filling out the 2015 CSP self-checklist. CSP Checklist. After completion, contact your local NRCS office to get started with the application process.

Idaho Agencies and Contacts:

Other Governmental Entities and Contacts: Wade Brown, Idaho NRCS Easement Coordinator, Idaho Natural Resource Conservation Service (NRCS), 9173 W. Barnes Drive, Suite C, Boise, ID 83709-1574, Tel: (208)-685-6987; Fax: (855)-524-1691; E-mail: wade.brown@id.usda.gov; Jeff Burwell, jeffrey.burwell@id.usda.gov; Pam Dugan, pamela.dugan@id.usda.gov.

Internet Resources:

U.S. FISH & WILDLIFE SERV., *State Wildlife Grant Program – Overview*, http://wsfrprograms.fws.gov/Subpages/GrantPrograms/SWG/SWG.htm.

U.S. FISH & WILDLIFE SERV., *Program Contacts*, http://www.fws.gov/pacific/fedaid/prgcontacts.html.

Date Updated: April 7, 2015

Clean Water Act § 319 Funds

Purpose of the program: Clean Water Act section 319 funds (Section 319 Funds) were introduced as a mechanism to aid state non-point source pollution programs in both the protection of quality waters and the restoration of impaired waters. ENVTL. PROT. AGENCY, *2014 Nonpoint Source Program and Grants Guidelines for States and Territories* 8 (2013) [hereinafter 2014 EPA GUIDELINES]. Although both these objectives are contemplated by these funds, the restoration of waters impaired by non-point source pollution assumes priority under this program. *Id* at 16. Funding is also available to Indian tribes so long as such tribes possess authorized non-point source pollution assessment and management programs. *Id*. at 8. Further, Indian tribes also must have treatment that is analogous to that of a state in order to qualify for Section 319 funds. *Id*.

Program Funding Priorities: The Idaho Department of Environmental Quality prioritizes Section 319 funds for use in conjunction with projects that address total maximum daily loads (TMDLs). IDAHO DEP'T OF ENVTL. QUALITY, *Nonpoint Source Management § 319 Subgrants* (2015) [hereinafter § 319 SUBGRANTS].

Description of Funding Availability: In order for a state to be eligible for Section 319 funds, it must develop and obtain approval from the Environmental Protection Agency (EPA) of a nonpoint source pollution assessment report. § 319 SUBGRANTS. Such a report identifies threatened or impacted waters in a state. *Id*. States must also develop and obtain approval from the EPA for a nonpoint source pollution management program. *Id*. This management program is intended to serve as the framework for managing nonpoint source pollution for each state. *Id*. At least 40% of the funding for the total project cost must come from matching funds. 2014 EPA GUIDELINES at 48. Such matching funds must be in the form of a non-federal match. *Id*.

All states, Idaho included, must direct at least 50% of its annual Section 319 allotment towards the implementation of watershed projects. *Id*. at 34. Such watershed projects are guided by Watershed-Based Plans (WBPs). *Id*. States are encouraged to partner with agricultural affiliates to promote the utilization of WBPs. *Id*. at 10. The residual 50% are considered "NPS program funds" and may be directed by states to further the aims of each states' non-point source pollution management program. *Id*. at 38. Eligible funding opportunities for these NPS program funds include both non-regulatory and regulatory programs. *Id*. at 3. The 50% appropriation dedicated to watershed projects may not be expended for planning activities, including the development of WBPs themselves. *Id*. at 34.

Application Procedures:

1. *Eligibility*. Idaho is currently eligible to receive funds under Section 319, and the Idaho DEQ administers such grants in Idaho. § 319 SUBGRANTS. Such funds may be used for a variety of purposes, including: agriculture, urban stormwater runoff, transportation, forestry-related activities, mining, ground water activities, and hydrologic and habitat modifications. *Id*. As previously indicated, there is a requirement of at least a 40% non-federal match. 2014 EPA GUIDELINES at 48. Although this 40% non-federal match requirement exists, funds may be used through the "Recycled" Clean Water State Revolving Program. *Id*. These funds are those that have been once been loaned by the state and have since been repaid. *Id*. These repaid funds are "recycled" through the Revolving Program to provide for additional water quality initiatives. *Id*.

2. *Application Process*.

Preapplication: A preapplication is not required in order to secure funding under the Section 319 funding program. IDAHO DEP'T OF ENVTL. QUALITY, *Idaho § 319 Project Application Guide* 2 (2014) [hereinafter IDAHO APPLICATION GUIDE]. This voluntary process merely allows the Idaho Department of Environmental Quality to understand the aims of a proposal and the broad context of a proposal. *Id*. The preapplication process also opens the initial channels of communication between the DEQ and the project applicant, helping ensure the smoothness of the overall application experience. *Id*. In order to submit a preapplication, an applicant is only required to fill out the first three (3) pages of the standard application. *Id*. at 3. Once received, a preapplication is assigned a unique "project code." *Id*. Moving forward, this code identifies a project proposal and can be used by the project applicant to access their application via the DEQ website. *Id*. For the 2015 grant year, reapplications were due by May 4, 2014. *Id*. at 5.

Application: For the standard application for Section 319 Funds, both an online application must be submitted and a signed hardcopy must also be delivered to the DEQ. *Id*. at 3. However, before an application can be successfully submitted, the project proposal must be discussed with the Watershed Advisory Group (WAG) that has jurisdiction over your watershed. *Id*. Each region of Idaho has several different WAGs. If your project proposal receives the support of the appropriate WAG, your application can then be evaluated by the DEQ staff to determine if it meets all the technical requirements. *Id*. Technically incomplete applications will be rejected and not considered for funding. *Id*. If your project proposal meets all the technical requirements, the proposal will then be evaluated at the Basin Advisory Group (BAG) level. *Id*. At this point, the DEQ staff will contact you to arrange a presentation of your project to the appropriate BAG. *Id*. At the conclusion of project presentations and questions, the BAG will prioritize the projects recommended for funding for that year. *Id*. For the 2015 grant year, applications were due by August 1, 2014. *Id*.

Permits and other certifications: Per DEQ policy, applicants are exclusively responsible for procuring all necessary permits, certifications, and other required approvals *prior* to moving forward with the planned project. *Id*. at 4.

Tribes: EPA Guidelines regarding Section 319 Funds do not apply to tribal non-point source pollution management programs as there are separate guidelines for tribes. 2014 EPA GUIDELINES

at 51. Although, tribes are required to have EPA certified non-point source pollution management programs and assessments. *Id*. Finally, tribes are also required to meet the 40% non-federal matching requirements unless they can exhibit financial cause. *Id*. at 52.

3. *Implementation.*

Reporting: Aside from general EPA grant regulations, the Section 319 program also includes a few specific provisions for reporting under the program. Section 319(h)(10) allows the EPA to request figures, records, and other information as needed in order to determine if a state is still eligible to receive 319 funds. 2014 EPA GUIDELINES at 43. Section 319(h)(11) also compels states to annually convey their progress in meeting its non-point source pollution management program objectives, to report on any relevant information pertaining to non-point source pollution reduction, and to also report on any advancements in achieving higher water quality as a result of non-point source pollution management programs. *Id*.

Further, states must also report on the effectiveness and status of Section 319 grants within the state. *Id*. at 46. Such reports must be submitted to the EPA at least annually and final reports are due either 90 days after the termination of a grant agreement or 90 days after the expiration of a grant agreement. *Id*.

Tracking: The tracking of the EPA's non-point source pollution program is performed at a national level through two quantitative tracking measures. *Id*. at 22.

Measure WQ-10 identifies the amount of bodies of water that states have classified as being mainly non-point source pollution impaired. *Id*. The WQ-10 database then tracks the number of such waterbodies that have been either partly or completely restored in coordination with rehabilitation endeavors. *Id*.

Tracking under the EPA's non-point source pollution program is also accompanied by WQ-9 a, b, and c. *Id*. WQ-9 is designed to track the amount of annual load decreases of phosphorus, nitrogen, and sediment that has been accomplished using Section 319 funding. *Id*. Both WQ-9 and WQ-10 provide a quantitative example of how the use of Section 319 Funds can positively affect the quality of our national waters. *Id*.

Idaho Locations Where Funds Are Used or Prioritized: In Idaho, the bulk of of these Section 319 funds are passed to the local level for total maximum daily loads implementation projects. *Id*. These TMDL projects relate to the maximum amount of a pollutant a body of water can take in and still satisfy water quality standards. IDAHO DEP'T OF ENVTL. QUALITY, *Total Maximum Daily Loads* (2015). This large portion of funding goes towards projects that aim at reducing specific pollutant loads in priority Section 303(d) listed waters. IDAHO APPLICATION GUIDE at 2.

A list of priority Section 303(d) listed waters is exhaustive, including tens of sub-basins in Idaho alone, and can be found on the Idaho Department of Environmental Quality's website. *See* IDAHO DEP'T OF ENVTL. QUALITY, *Table of Subbasin Assessments, TMDLs, Implementation Plans, and Five-Year Reviews* (2015).

Where to Start: The administration of Section 319 funds in Idaho is handled by the Idaho Department of Environmental Quality.

Idaho Contact: Dave Pisarski, Nonpoint Source §319 Program Coordinator, Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706, Tel: (208) 373-0464; E-mail: dave.pisarski@deq.idaho.gov.

Idaho Agencies Involved: Idaho Department of Environmental Quality (DEQ)

Other Governmental Entities Involved: U.S. Environmental Protection Agency (EPA)

Internet Resources:

IDAHO DEPT. OF ENVTL. QUALITY, *Nonpoint Source Management §319 Subgrants*, https://www.deq.idaho.gov/water-quality/grants-loans/nps-%C2%A7319-subgrants.aspx.

IDAHO DEPT. OF ENVTL. QUALITY, *Table of Subbasin Assessments, TMDLs, Implementation Plans, and Five-Year Reviews*, http://www.deq.idaho.gov/water-quality/surface-water/tmdls/table-of-sbas-tmdls.aspx.

IDAHO DEPT. OF ENVTL. QUALITY, 2010 INTEGRATED REPORT, http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report.aspx

IDAHO DEPT. OF ENVTL. QUALITY, COMPENDIUM OF BEST MANAGEMENT PRACTICES TO CONTROL POLLUTED RUNOFF: A SOURCEBOOK, http://www.deq.idaho.gov/media/458917-compendium_report_2003_entire.pdf

UNIVERSITY OF IDAHO: ONEPLAN, *Idaho Agricultural Best Management Practices*, www.oneplan.org/BMPs.asp.

IDAHO DEPT. OF ENVTL. QUALITY, *Source Water Assessments in Idaho*, http://www.deq.idaho.gov/water-quality/source-water/assessments.aspx.

IDAHO DEPT. OF ENVTL. QUALITY, Water Quality Studies and Reports, http://www.deq.idaho.gov/water-quality/surface-water/water-quality-studies-and-reports.aspx.

IDAHO DEPT. OF ENVTL. QUALITY, *Total Maximum Daily Loads (TMDLs): Water Quality Improvement Plans*, http://www.deq.idaho.gov/water-quality/surface-water/tmdls.aspx.

IDAHO DEPT. OF ENVTL. QUALITY, *Table of Subbasin Assessments, TMDLs, Implementation Plans, and Five-Year Reviews*, http://www.deq.idaho.gov/water-quality/surface-water/tmdls/table-of-sbas-tmdls.aspx.

Date Updated: April 14, 2015

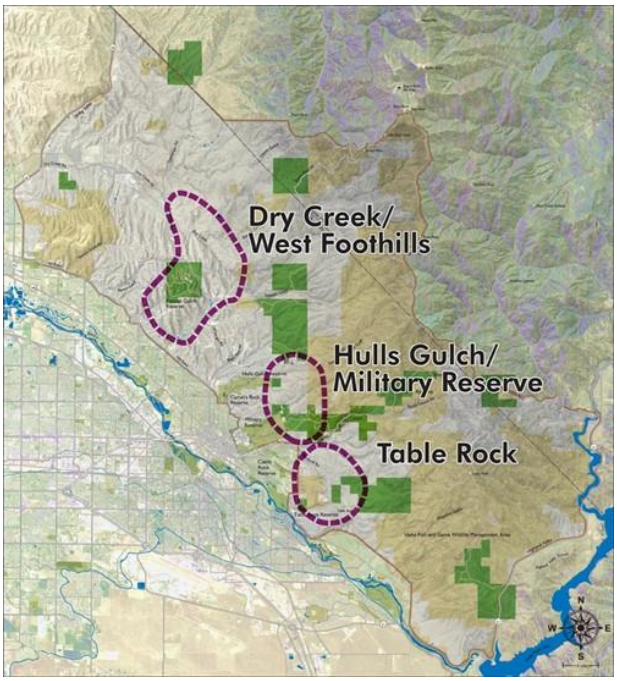
Boise City Foothills Levy

Purpose of the program: The Boise City Foothills Open Space Management Plan was completed in 2000 with assistance from land management agencies (BLM, USFS, IDL, IDFG, Ada County & the City of Boise) and private landowners. The plan outlined goals and recommendations for long-term protection of plants, wildlife, riparian corridors, soils, slopes, recreation and public open spaces. One of those recommendations outlined the need to create a fund to be used for the protection of parcels with high conservation values in the 85,000 acre Boise Foothills Project Area.

A group of citizens organized as the "Foothills Serial Levy Campaign Committee" and worked closely with Idaho Conservation League, the Trust for Public Land, and the Mayor's Office on the special election held on May 22, 2001. On that day, 59% of the citizens who came out to vote in favor of the levy, which authorized a $10 million property tax collected over two-years. Since that time, close to $12 million from the fund—the extra funds arose from the interest earned and the sale of one parcel to the Idaho Department of Fish and Game—has been leveraged to protect nearly 11,000 acres through fee-title purchase, donation, bargain sale or exchange. The value of those lands is about $38 million.

The City of Boise is currently the only city in the State of Idaho that has created a special fund for the protection of open spaces.

Program Funding Priorities: The Fund's "priority/protected areas are illustrated on the map below:

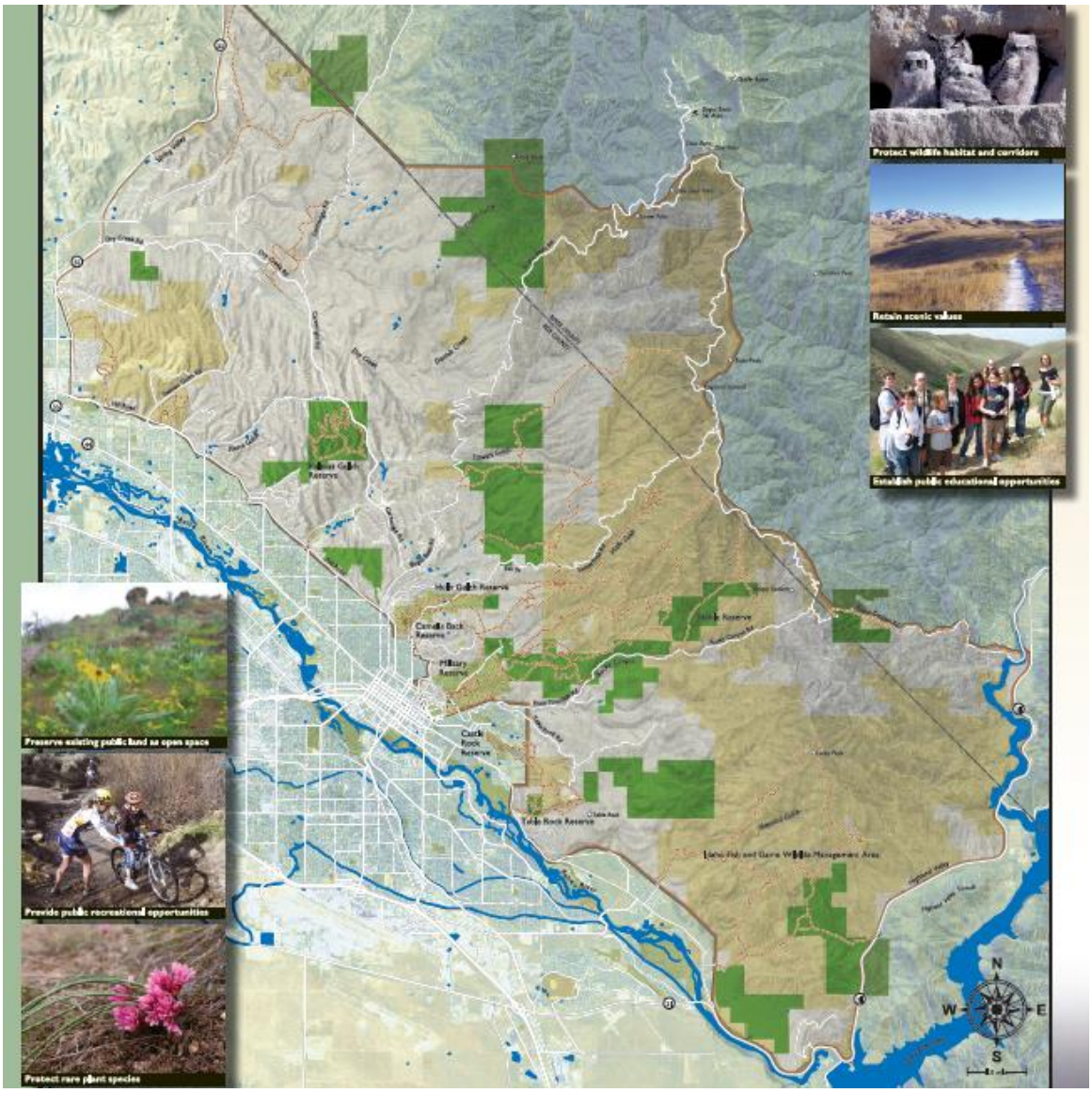


CITY OF BOISE, IDAHO, *Priority/Protected Areas*.

Description of Funding Availability: The fund from the original 2001 levy is mostly depleted; however, in November, 2015, Boise City voters will vote on a new two-year, $10 million levy that would permit for additional funding of open space purchases.

Application Procedures: There are no applications taken for the use of the Fund.

Idaho Locations Where Funds Are Used or Prioritized: The areas where funds have been used are available at this map, which is reproduced below:



See [CITY OF BOISE, IDAHO, *Our Boise Foothills: Foothills Levy Conservation at Work*](). A description of individual uses of the Fund is also available. CITY OF BOISE, IDAHO, *Accomplishments*.

Internet Resources:

CITY OF BOISE, IDAHO, *Foothills: Open Space Conservation*, http://parks.cityofboise.org/about-us/foothills/

IDAHO PUBLIC TELEVISION, *The Foothills*, http://video.idahoptv.org/video/2245818058/ (25-minute documentary that tells the story of the Fund's creation).

Date Updated: June 15, 2015

Blaine County Land, Water and Wildlife Program

Purpose of the program: The purpose of the Land, Water and Wildlife Program (LWWP) is to provide grant funds for projects accomplishing lasting conservation of land, water and wildlife in Blaine County for this and future generations. The LWWP was made possible by the citizens of Blaine County who approved a two-year levy in 2008 that raised $3.4 million *(See the Ballot Initiative; Resolution #2008-71; and the Program Guide links below).*

The Land, Water and Wildlife Program requires a Levy Advisory Board (LAB), comprised of volunteer Blaine County residents. The LAB's primary responsibility is to give its opinion to the Board of County Commissioners (BCC) as to the highest and best use of LWWP funds to achieve optimal conservation and public benefit. The BCC makes the decisions.

Program Funding Priorities: Land, Water and Wildlife Fund objectives include, but are not limited, to:

- Preserving natural areas and important open space; preserving water quality; protecting rivers and streams and their riparian corridors, flood plains and wetlands; protecting wildlife habitat and movement corridors including highway crossings; preserving agricultural lands; preserving or enhancing trail corridors; or providing public access to water bodies in the Big Wood and Little Wood River watersheds;
- Supporting joint projects between counties and municipalities, or other governmental entities in the County;
- Conserving, restoring, maintaining and otherwise providing for proper stewardship of lands and waters as provided herein.

Areas of greatest interest include the Big Wood River corridor and its major tributaries; the Transfer of Development Rights (TDR) Program sending area; the Little Wood River watershed from the Little Wood Reservoir dam north to the boundary with U.S. Forest Service lands.

Fund objectives may be accomplished by measures including:

- Acquiring fee title interest in real property;
- Acquiring less than fee interests in real property, such as easements (including conservation and agricultural), future interests, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis; and
- Acquiring water rights

The Land, Water and Wildlife Fund also may be used to advance the Blaine County Voluntary Transfer of Development Rights (TDR) Program, as defined in Blaine County Code, Title 10, Chapter 10 *(see link below).*

Description of Funding Availability: Funds distributed by the LWWP to date total $1, 412,090 for seven projects: five perpetual conservation easements and two non-acquisition/restoration projects *(See Projects Points Map link below).* Approximately $1.56 million in Levy funds remain.

Application Procedures:

Eligibility. The Program accepts applications for large and small projects that align with the goals of the Program, in keeping with priorities identified by the public. Landowners, nonprofits, municipalities, government agencies, Blaine County and other entities meeting the criteria of Section 170(h) of the Internal Revenue Code or equivalent may apply. Participation is voluntary. Partnerships are welcomed.

Project applications must meet six minimum criteria:

1. Is the project located in Blaine County?
2. Does the project serve at least one of the three primary levy purposes by protecting land, water or wildlife?
3. If this is an acquisition, is there a willing seller? For all other projects, has the landowner committed their property for the project?
4. Is there a qualified entity willing and able to hold and maintain the land interest to be conveyed? If a non-acquisition project, is there a qualified entity willing to take responsibility for the completion, maintenance and enforcement of the project?
5. Have matching funds or other leverage for the LWWP's funding been sought? (Matching funds may be required).
6. Will the project have lasting conservation outcomes?

Application Process. Short Pre-Applications are accepted any time and are reviewed promptly. They provide the opportunity to receive feedback on a proposed project without investing extensive time and resources. If a Pre-Application is approved, a Full Application is invited. Full Application deadlines are four times/year, listed on the web site *(see link below to application forms).*

Once a Full Application has been invited and submitted, the LAB evaluates it and recommends to the BCC whether to fund the project. The BCC then considers the Full Application, deciding whether to give Conceptual Approval. Conceptual Approval means that the Commissioners accept, in concept, the proposed terms of the project, indicate that the resources and other property characteristics fulfill the objectives of the Program and approve the mechanisms by which they will be conserved. Conceptual Approval does not form any contract or guarantee project funding.

The project and property will undergo additional scrutiny, known as "due diligence investigations" prior to the BCC making a final decision to approve the project and authorize expenditure of Program funds. Due diligence investigations verify that the physical and legal condition of a property are as described in the Full Application.

Disbursement of County funds to the Applicant will not occur until all the investigations are satisfactory to the County, all documents are complete and the BCC has made a Funding Decision to approve the project.

Ranking. Projects will be prioritized based on the Program's guiding documents including the Project Evaluation Checklist ("Checklist"). The Checklist is the Program's objective tool for assessing how well a project achieves the voter-approved goals for Levy funding. All Program goals that can be quantified with available data, scientific information or objective observation are analyzed using this tool. The Checklist is based on guidance from local nonprofit and government partners, stakeholder input, opinions provided in three public meetings, information from past County-wide planning efforts, results from the poll conducted in advance of the 2008 campaign and data from federal, state and local governments and conservation organizations. The Checklist provides County staff, the LAB, BCC, Landowners and Partners with a shared evaluation methodology and common understanding of the Program's priorities *(see link below)*.

The long-term viability of conservation projects will be heavily influenced by the capacity and reputation of the Partners. Accordingly, project evaluation includes an analysis of the Partners' capabilities and experience.

Implementation. The Levy Advisory Board (LAB) generally considers Pre-Applications within 30 days. The length of time for a project to go through the process and receive a Funding Decision from the Board of County Commissioners depends on the complexity of the project, the timing of the applicant's submittal of required documentation, any change requests submitted, and other factors. Most projects funded have taken about a year to receive funding, with a range of two to 18 months.

The County requires applicant's to submit monitoring reports to document the project's conservation impact. Conservation easements require ongoing summaries of Monitoring Reports. Specific requirements for the monitoring of non-acquisition/restoration projects are determined on a project-by-project basis.

Idaho Locations Where Funds Are Used or Prioritized: Blaine County.

Approximate Number of Program Projects in Idaho: The LWWP has provided partial funding for seven projects that have been completed: six perpetual conservation easements and two non-acquisition/restoration projects. *(See the LWWP Project Points Map link below).*

Where to Start:

Contact: Clare Swanger, Program Coordinator, Land Use Department, 219 1St Avenue South, Suite 208, Hailey, ID 83333. Tel direct: (208)-309-0960; Tel main: (208)-788-5570; Fax: (208)-788-5576; Email direct: c.swanger@me.com; Email main: pzcounter@co.blaine.id.us.

Internet Resources:

BLAINE COUNTY, IDAHO, *Projects Points Map*, https://drive.google.com/file/d/0B9PIueQqgPwnai1Pd2h5SWx6LUU/view?usp=sharing.

BLAINE COUNTY, IDAHO, *Ballot Initiative*, https://drive.google.com/file/d/0B9PIueQqgPwndGR6RU9tV2FwUzQ/view?usp=sharing.

BLAINE COUNTY, IDAHO, *Resolution #2008-71*, https://drive.google.com/file/d/0B9PIueQqgPwnbUx0aUQ1dlJZZ2s/view?usp=sharing.

BLAINE COUNTY, IDAHO, *Title 10, Chapter 10 – TDR information*, http://www.sterlingcodifiers.com/codebook/index.php?book_id=450&chapter_id=19640.

BLAINE COUNTY, IDAHO, *Program Materials*, http://processblaine.wix.com/blainelwwp#!information/vstc1=program-guide-and-application-forms.

Note: For fillable forms – download the form, fill in information, save to desktop/file, then email or print from there.

Program Guide: https://drive.google.com/file/d/0B9PIueQqgPwneFRtYS1CbWEzUzA/view?usp=sharing

Pre Application form: https://drive.google.com/file/d/0B9PIueQqgPwnbkhpS1JTckgtU00/view?usp=sharing

Full Application form: https://drive.google.com/file/d/0B9PIueQqgPwnOEUxVXhHSE5NblU/view?usp=sharing

Project Evaluation Checklist: https://drive.google.com/file/d/0B9PIueQqgPwneko2RTBVeGotejA/view?usp=sharing

BLAINE COUNTY, IDAHO, *Policy Guidelines* (Scroll down the page to see the documents): http://processblaine.wix.com/blainelwwp#!information/vstc1=program-guide-and-application-forms

BLAINE COUNTY, IDAHO, *Conservation Priorities identified by the public in open workshops*:

Working Farms and Ranches: https://drive.google.com/file/d/0B9PIueQqgPwneWFKbzFFMnRYR1U/view?usp=sharing

Wildlife: https://drive.google.com/file/d/0B9PIueQqgPwnZUNqc0pvX1lFZ2s/view?usp=sharing

Scenic:
https://drive.google.com/file/d/0B9PIueQqgPwnZFk0WnFLbzNtdmc/view?usp=sharing

Summary:
https://drive.google.com/file/d/0B9PIueQqgPwnOGhqLTF5QXF2cm8/view?usp=sharing

Date Updated: June 18, 2015

Key Participants in Conservation Funding in Idaho

This section provides brief descriptions of the federal and state agencies involved in conservation funding in Idaho, as well as descriptions of many of Idaho's land trusts that perform substantial work in making conservation work in Idaho.

Federal Agencies

The U.S. Fish & Wildlife Service

The U.S. Fish and Wildlife Service (The Service) is a federal agency under the U.S. Department of the Interior. In general, The Service works with partners to conserve, protect, and enhance fish, wildlife, and plant habitats. The Service is tasked with enforcing many of the federal statutes related to wildlife, endangered species, migratory birds, and various fish species. The Service is involved with numerous conservation and wildlife protection endeavors throughout the U.S. on a national scale. In order to achieve their mandate, The Service has divided the U.S. into 8 regions. Idaho, along with Oregon and Washington, are in the Pacific Region or Region 1.

In the context of conservation easements, The Service works several programs, which can provide funding for the procurement of easements. One such program is the Partners for Fish and Wildlife Program (PFWF). The PFWF was originally organized by The Service in 1987, however, in 2006, the PFWF was codified as Public Law 109–294 and allocated up to $75 million a year to be used in partnership with private landowners to restore, enhance and manage fish and wildlife habitats.

U.S. Department of Agriculture

The U.S. Department of Agriculture (USDA) is a large federal agency comprised of many smaller agencies. The USDA was originally tasked with promoting agricultural economies. However, over time, the USDA has grown and the scope of the agencies purpose has expanded to include the oversight of food production and safety, the protection and improvement of natural resources, and the development of rural communities.

Natural Resource Conservation Service

One of the agencies under the broader USDA umbrella is the National Resource Conservation Service (NRCS). The Natural Resource Conservation Service (NRCS) conservation programs help people reduce soil erosion, enhance water supplies, improve water quality, increase

wildlife habitat, and reduce damages caused by floods and other natural disasters. NRCS provides funding opportunities for agricultural producers and other landowners through different programs. In particular, NRCS works with or have worked with the Agricultural Conservation Easement Program, Grassland Reserve Program, the EWP Floodplain Easement, the Healthy Forest Reserve Program, and the Wetlands Reserve Program to provide funding and resources for successful conservation easements.

U.S. Forest Service

Another agency under the USDA umbrella is the U.S. Forest Service (USFS). The USFS administers approximately 193 million acres of federal forest and grassland. The USFS administers the Forest Legacy Program (FLP). Through the FLP the U.S. Forest Service works to protect private forests from conversion to non-forest use.

National Oceanic and Atmospheric Administration

The National Oceanic and Atmospheric Administration (NOAA) is tasked with a wide range of responsibilities including the collecting environmental satellite data, maintaining marine fisheries, enforcement of oceanic regulation and performance of oceanic services, performance of weather services, regulating marine and aviation operations, and the performance of oceanic and atmospheric research.

The NOAA Fisheries program for the West Coast Region administers the Pacific Coast Salmon Recovery Fund (PCSRF). The PCSRF is intended to protect salmon and steelhead fish species. The PCSRF program does this by employing a competitive grant process. Grants are awarded to States based on application submitted by appointed state agencies. The Idaho agency responsible for applying for PCSRF funds is the Idaho Office of Species Conservation.

Wildlife & Sport Fish Restoration Program

The Wildlife and Sport Fish Restoration Program (WSFRP) works with states, insular areas and the District of Columbia to conserve, protect, and enhance fish, wildlife, their habitats, and the hunting, sport fishing and recreational boating opportunities they provide. The Division of WSFRP provides oversight and/or administrative support for the following grant programs: Wildlife Restoration Grant Program; Sport Fish Restoration Grant Program; Clean Vessel Act Grant Program; Boating Infrastructure Grant Program; National Coastal Wetlands Conservation Grant Program; State Wildlife Grant Program; Landowner Incentive Grant Program; Multistate Grant Program; Tribal Wildlife Grant Program; and Tribal Landowner Incentive Grant Program.

The mission of WSFRP is working through partnerships to conserve and manage fish and wildlife and their habitats for the use and enjoyment of current and future generations. The WSFRP vision is a healthy, diverse, and accessible fish and wildlife populations that offer recreation, economic activity, and other societal benefits, in addition to sustainable ecological functions. To accomplish their mission, WSFRP has established the following guiding principles: Society

benefits from conservation-based management of fish and wildlife and their habitats and opportunities to use and enjoy them.

National Park Service

As the Idaho Department of Parks and Recreation is allotted with distributing the state-side funds for the Land and Water Conservation Fund (LWCF), the National Park Service (NPS) is tasked with the federal portion of the LWCF. These federal funds are employed for land and water acquisition. Accompanying these acquisitions is an aim at fulfilling the recreational and wildlife objectives of the NPS.

The National Park Service preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

State Agencies

Idaho Department of Parks and Recreation

The Idaho Department of Parks and Recreation (IDPR) is responsible for maintaining and improving outdoor recreational opportunities in Idaho. The Department manages Idaho's state parks and also manages the registration programs for off-highway vehicles (OHV). Revenue is received under these registration programs and then used to fund trails, facilities, and other IDPR programs. The Department also administers several grant programs that touch on outdoor recreation. Grant programs include: the Land and Water Conservation Fund (LWCF) State Grants, the Recreational Vehicle (RV) Program, the Motorbike Program, the Off-Road Motor Vehicle (ORMV) Program, the Recreational Trails Program (RTP), the Waterways Improvement Fund (WIF), and the Recreational Road and Bridge Program.

As applied to the Land and Water Conservation Fund:

In conjunction with the Land and Water Conservation Fund, Idaho is responsible for creating a statewide plan for outdoor recreation. Idaho's plan is the "Statewide Comprehensive Outdoor Recreation and Tourism Plan" (SCORTP). Under this plan the Idaho Department of Parks and Recreation evaluates project proposals for eligibility based on priorities within the SCORTP. Next, such eligible proposals are presented to the Land and Water Conservation Fund Advisory Committee. These eligible proposals are prioritized by this Committee. Proposals that receive recommendation by the Committee are then submitted to the Idaho Parks and Recreation Board. Finally, if a project receives approval by the Board, the Idaho Department of Parks and Recreation will request a formal application.

Idaho Department of Environmental Quality

The Idaho Department of Environmental Quality (DEQ) is a state regulatory agency responsible for enforcing environmental regulations of both state and federal nature. Included in this scheme, is the administration of the Clean Air Act, the Resource Conservation and Recovery Act, and the Clean Water Act in Idaho.

As applied to the Section 319 Grant Program:

The Clean Water Act established the Section 319 grant program which allows state entities, such as the Idaho Department of Environmental Quality (DEQ), to receive funds to assist nonpoint source pollution management activities. In line with this program, the Idaho Department of Quality was required to and has established a nonpoint source pollution assessment report for Idaho. Nonpoint source pollution management activities include agricultural use, transportation use, urban stormwater runoff, mining use, ground water use, and forestry use. The Idaho DEQ has typically allocated these funds at a local level for total maximum daily loads implementation (TMDL).

Idaho Department of Fish and Game

The Idaho Department of Fish and Game regulates and licenses hunting and fishing on public lands throughout the state of Idaho, manages Idaho wildlife, and works with public and private landholders to ensure that wildlife resources are available for future generations. While the Idaho Department of Fish and Game typically procures fee title, they are involved with several programs through which they procure partial interests in land for conservation purposes. In addition to the allocation of federal funds through various conservation easement programs the Idaho Department of Fish and Game also dedicates approximately $400,000 to $500,000 of funds raised through the sale of hunting and fishing licenses in the state of Idaho for the acquisition of fee or partial interest in land.

As applied to Recovery Land Acquisition Grants:

Idaho Fish and Game is considered a key contact regarding potential Recovery Land Acquisition (RLA) grants flowing into Idaho. These grants are awarded for the acquisition of habitat of federally listed threatened or endangered species. For the RLA at large it is up to state, territorial, or commonwealth agencies to submit proposals for funding under the RLA.

As applied to the Partners for Fish and Wildlife Fund:

Another program the Idaho Department of Fish and Game helps to implement is the Partners for Fish and Wildlife Fund. This program provides funding over a term of years to help owners implement conservation or wildlife management projects on their property.

As applied to the Bonneville Power Administration:

The Idaho Department of Fish and Game also works with the Bonneville Power Administration (BPA) in allocating wildlife mitigation funds.

Idaho Office of Species Conservation

The Idaho Office of Species Conservation (OSC) was established in 2000 within the Executive Office of the Governor. The Idaho OSC is tasked with preserving, protecting, and restoring species that are currently listed as either threatened, endangered, or candidate endangered species. In order to achieve this goal, the OSC works to ensure the state implements the Endangered Species Act species recovery plan, coordinate state agencies and their obligations affecting ESA listed species.

As applied to the Pacific Coast Salmon Recovery Fund:

OSC works with NOAA Fisheries in implementing the Pacific Coast Salmon Recovery Fund in Idaho. OSC submits grant proposals to NOAA fisheries. NOAA fisheries then appropriates

funding through the PCSRF program to the various state agencies that have submitted proposals by competitively ranking the submissions.

Idaho Soil and Water Conservation Commission

The Idaho Soil and Water Conservation Commission (SWCC) was formed in the 1930's to deal with soil erosion and related issues. Originally, the SWCC was a sub-agency of the Idaho Department of Lands until 1997 when it became a sub-agency of the Idaho State Department of Agriculture. In 2011, the SWCC was granted autonomy by the Idaho Legislature. The current statutory grant of authority for this program authorizes SWCC to provide assistance to landowners in the implementation of several programs designed to facilitate resource conservation and water quality.

As applied to the Partners for Fish and Wildlife Fund:

The SWCC has worked with the Partners for Fish and Wildlife Fund to promote habitat conservation by providing technical and financial assistance to private landowners. As a partner within the Partners for Fish and Wildlife Fund the SWCC provides match funding up to $25,000 for a term up to 10 years.

Land Trusts

This section provides a listing of land trusts operating in Idaho. The descriptions of each of the land trusts below is drawn from the trusts' respective websites. Additional information on these land trusts is also available at ICOLT's website from which the images of the respective land trusts' operating boundaries are taken.

Teton Regional Land Trust

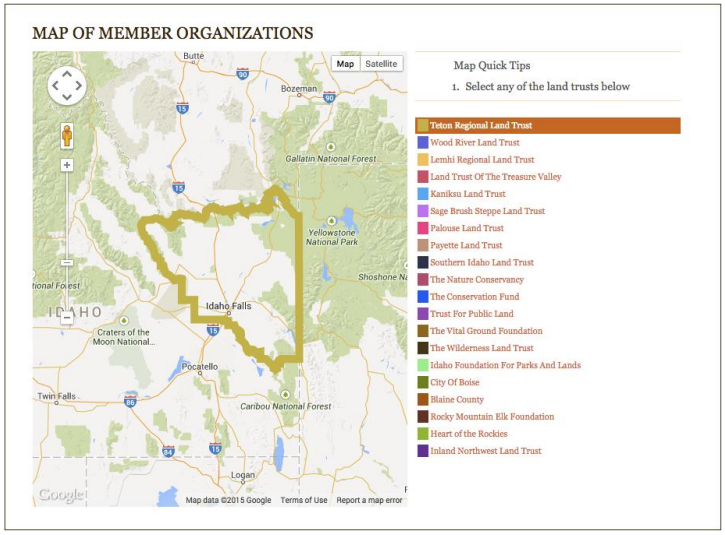
The Teton Regional Land Trust (TRLT) is a community-based conservation organization that works with private landowners to conserve agricultural and natural resources that are critical to the region's communities. The TRLT works through several avenues in order to offer willing landowners options regarding their land and legacy.

TRLT works to preserve important agricultural lands and fish and wildlife habitat in Eastern Idaho for the benefit of future generations.

TRLT's conservation efforts are for charitable and educational intentions exclusively. They believe it is vital to be professional, fair, and accountable in all our activities as a non-profit community organization. We are committed to build and sustain an organization that can provide conservation opportunities and stewardship in perpetuity.

TRLT is a regional organization with a regional perspective. TRLT believes that open space provides important ecological, economic, educational, recreational, and spiritual benefits to the watersheds and communities of our region. They work pro-actively and collaboratively to conserve these open space resources throughout the Upper Snake River Valley.

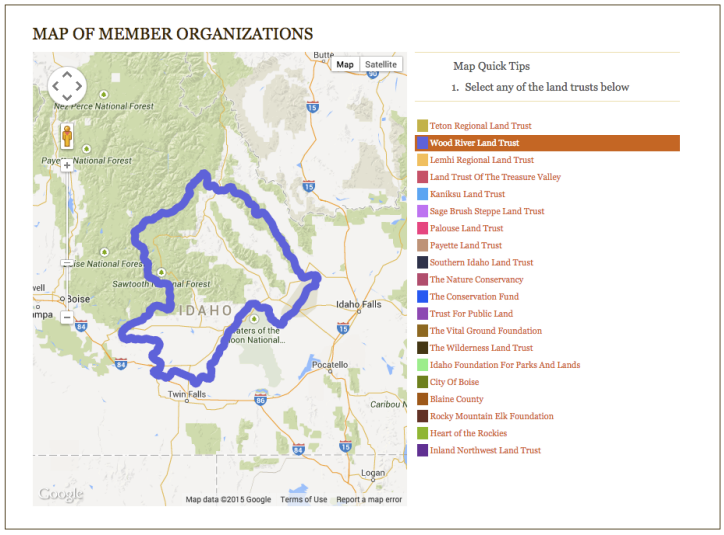
TRLT values natural land for its biological diversity, soil and water quality, and scenic beauty, and recognize the importance of corridors that link these landscapes. They also value agricultural lands for their economic, social and ecological benefits. Finally, TRLT strives to help families retain their family lands.



Wood River Land Trust

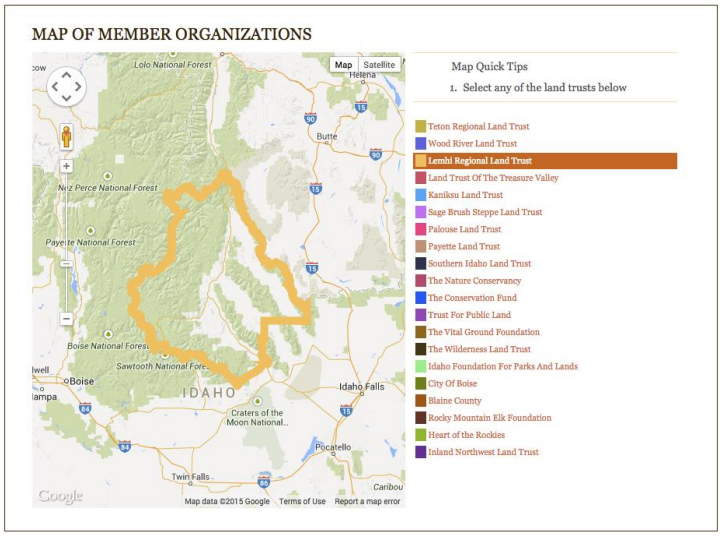
Wood River Land Trust protects and restores land, water, and wildlife habitat in the Wood River Valley and its surrounding areas. They work cooperatively with private landowners and local communities to ensure these areas are protected now and for future generations. Three primary land protection methods are conservation easements (or conservation agreements), donations of land, and bargain sales of land.

Conservation easements are legal agreements between a landowner and Wood River Land Trust, and future owners are also bound by the terms of the easement. These agreements define a property's uses to protect the land's biological health such as its clean water, wildlife habitat, and native plants and may also protect its farmland and scenic views. When landowners enter into a conservation agreement, they voluntarily give up some of the rights associated with owning land in order to protect the land's health. For example, a landowner might give up the right to build additional residences or harvest timber while retaining the right to grow crops. These limitations are binding forever, and future owners are also bound by the agreement's terms.



Lemhi Regional Land Trust

The Lemhi Regional Land Trust (LRLT) is a non-profit organization dedicated to voluntary private lands conservation. The same vision and passion that drove LRLT's visionaries continues to drive us today. LRLT's staff works to protect the ranches, open spaces and wildlife habitat or central Idaho.

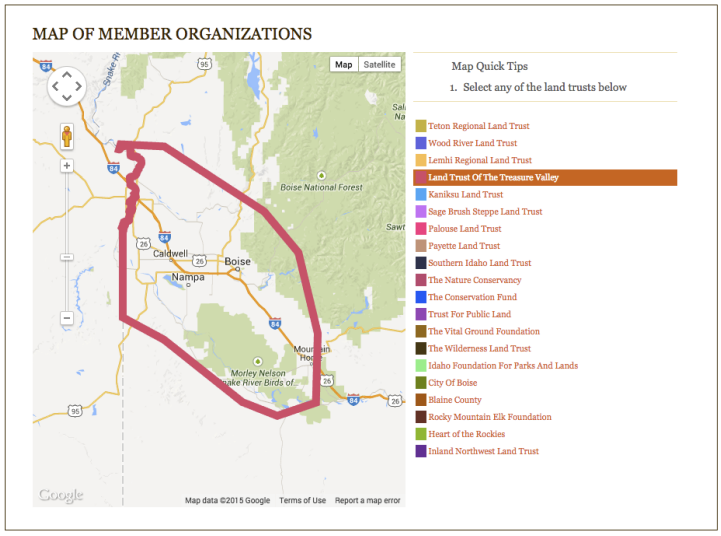


Land Trust of the Treasure Valley

The Land Trust of the Treasure Valley's mission is to create opportunities for conserving the natural, scenic, recreational, historic and agricultural values of southwestern Idaho's open spaces through collaborative efforts for current and future generations.

Abundant open space exists in the Treasure Valley for recreation, scenic vistas and wildlife as a natural heritage for our children. Our communities are thriving, buffered from one another by lush and productive farmlands. The signature features of the area - the Foothills and the Boise River - remain largely in their natural state, contributing as they have historically to our exceptional quality of life.

The Land Trust identifies lands with special natural, scenic, recreational and agricultural values, and works with willing landowners to conserve these lands through acquisition, easement, education, and good stewardship.

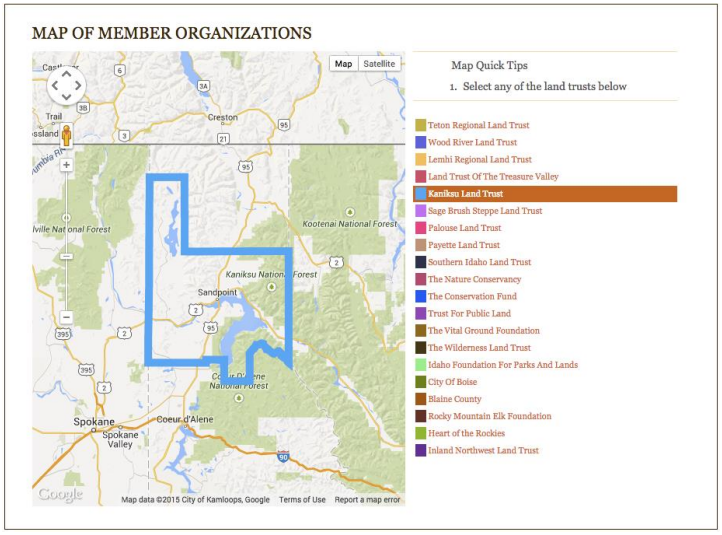


Kaniksu Land Trust

The Kaniksu Land Trust is a not-for-profit organization striving to ensure that the extraordinary open spaces of north Idaho and northwest Montana remain undeveloped now and forever. We promote and facilitate voluntary land conservation by working with landowners to keep these priceless lands intact.

The Kaniksu Land Trust works with interested landowners and organizations in north Idaho and northwest Montana to protect, maintain, and enhance natural resources and recreational values that contribute to our quality of life.

The Kaniksu Land Trust's vision is that 100 years from now, there will still be: large tracts of undeveloped land to provide critical habitat for all species; a permanent land base to sustain vibrant, varied agriculture and forestry; community access to natural areas for recreation and outdoor activities; pristine waterways such as Lake Pend Oreille, the Clark Fork River and their tributaries; and sustained economic vitality due to well-balanced conservation and development.

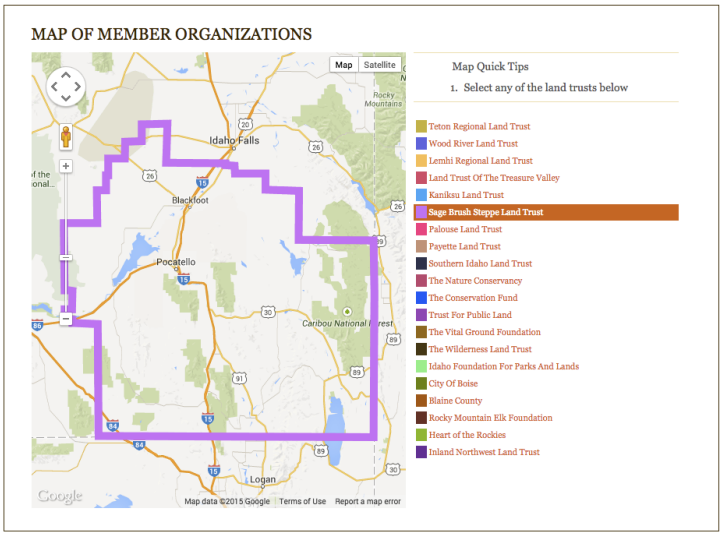


Sagebrush Steppe Land Trust

The Sagebrush Steppe Land Trust (SSLT) is a 501(c)(3) nonprofit organization that works to conserve wildlife habitat, and working farms and ranches. The mission of the Sage Brush Steppe Land Trust is to protect and enhance natural lands, wildlife habitat, and working farms and ranches in Southeast Idaho, now and for future generations. All cash donations to the Land Trust are tax-deductible under the Internal Revenue Service Code.

The mission of the SSLT is to protect and enhance natural lands, wildlife habitat, and working farms and ranches in Southeast Idaho, now and for future generations.

The SSLT is comprised of people from across Southeast Idaho including staff, board members, volunteers, community members, and landowners. The SSLT is committed to protecting the unique qualities that make our region such a special place. The SSLT recognizes that one way of maintaining the wildlife habitat and heritage of Southeast Idaho is by protecting the privately owned land that holds the landscape together. Private lands are not only at the farming and ranching heritage of the region, but also harbor critical streams and river that are the life blood for the region's vibrant fish and wildlife populations.

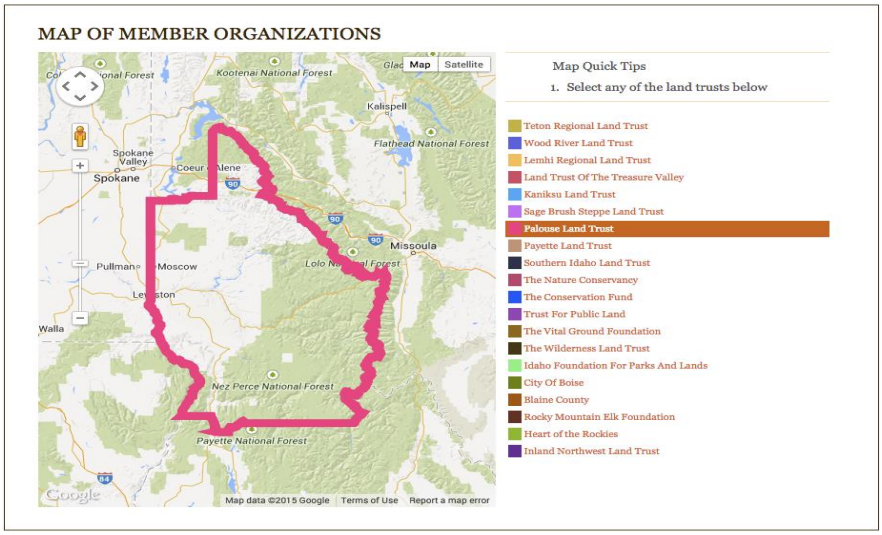


Palouse Land Trust

The Mission of the Palouse Land Trust is to conserve the open space, scenery, wildlife habitat, and water quality of the Palouse region for the benefit of current and future generations. The Palouse Land Trust does this through conservation easements. Conservation easements enable private landowners to protect and conserve their open space, wildlife habitat, water quality and favorite views. Conservation easements are legal agreements between a landowner and a land trust that permanently limit uses of land. Because they are very flexible, easements can allow continued agricultural or forest production, or limited development.

The Palouse Land Trust is guided by the following principles: the preservation of the working farms and forests and rural heritage of the Palouse; the support of efforts to maintain the natural and managed landscapes of significant conservation value within the Palouse region; the promotion of the stewardship of natural resources based on the principles of environmental, economic, and social sustainability; the facilitation of the conservation of private land to enable local communities and landowners to establish conservation legacies; the respect and value of the rights of private land owners; the maintenance of an effective, non-partisan, sustainable organization that represents the values and perspectives of the communities within the Palouse

region; the subscription to and upholding of the Standards and Practices of the National Land Trust Alliance.



Payette Land Trust

The Payette Land Trust is dedicated to protecting for future generations the scenic, agricultural, ranch, recreational, historic and wildlife values of Idaho. The Land Trust accomplishes this by working cooperatively with the community and landowners who wish to protect their lands in perpetuity.

The Southern Idaho Land Trust

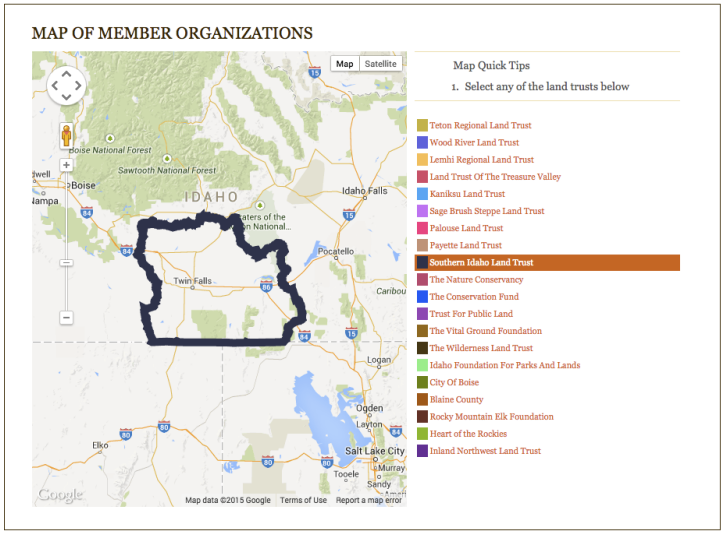
The Southern Idaho Land Trust (SILT) is a non-profit organization, managed by local residents whose mission is to preserve and protect the natural, historic, productive, recreational and open space values in the south-central Idaho region.

In 1996, representatives from Gooding, Lincoln, Jerome and Twin Falls counties formed SILT. Since then, SILT has preserved into perpetuity nearly 1,000 acres of farm and ranch land in south-central Idaho from development. SILT provides property owners with opportunities for conservation easements, donations, or transfers for conservation purposes.

A conservation easement, is a legal agreement between a landowner and a nonprofit land trust, like the Southern Idaho Land Trust, or government agency that permanently limits uses of the land in order to protect important conservation values. It allows you to continue to own and use your land and to sell it or pass it on to heirs.

A voluntary conservation agreement can help a landowner pass land on intact to the next generation. By limiting the land's development potential, the agreement lowers its market value, which in turn lowers estate tax. Whether the agreement is donated during life or by will, it can make a critical difference in the heirs' ability to keep the land intact.

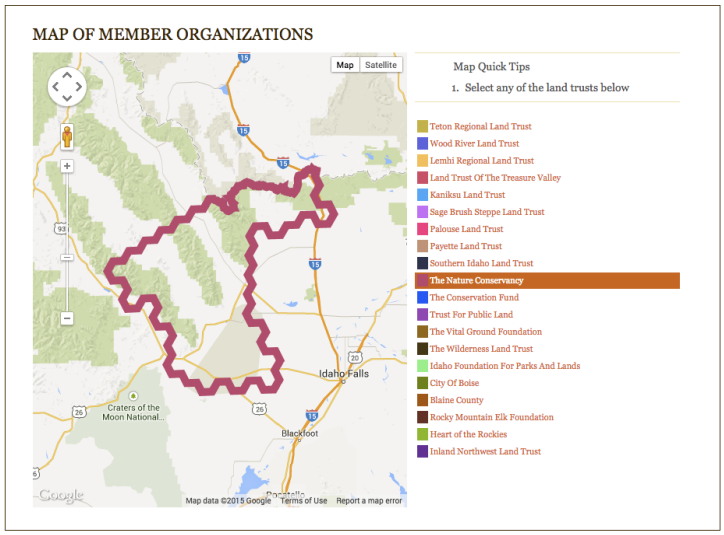
When you enter into a voluntary conservation agreement with a land trust, you give up some of the rights associated with the land. For example, you might give up the right to subdivide your land or build additional houses, while retaining the full right to grow crops. Voluntary conservation agreements vary widely. Sometimes an agreement to protect rare wildlife habitat might prohibit any development there, while one to protect the scenic and historic values of a farm might allow continued farming and the building of additional agricultural structures. An agreement may apply to just a portion of the property, and need not require public access.



The Nature Conservancy

The mission of The Nature Conservancy (TNC) is to conserve the lands and waters on which all life depends. TNC's vision is a world where the diversity of life thrives, and people act to conserve nature for its own sake and its ability to fulfill our needs and enrich our lives.
TNC achieves this mission and vision in the following ways: the dedicated efforts of TNC's staff, which includes more than 600 scientists, located in all 50 U.S. states and more than 35 countries; the help of TNC's many partners, from individuals and governments to local nonprofits and corporations; and the use of non-confrontational, collaborative approaches.

Conservation easements are one of the most powerful, effective tools available for the permanent conservation of private lands. Their use has successfully protected millions of acres of land while keeping it in private hands and generating significant public benefits. A conservation easement is a restriction placed on a piece of property to protect its associated resources. The easement is either voluntarily donated or sold by the landowner and constitutes a legally binding agreement that limits certain types of uses or prevents development from taking place on the land in perpetuity while the land remains in private hands. Conservation easements protect land for future generations while allowing owners to retain many private property rights and to live on and use their land, at the same time potentially providing them with tax benefits.



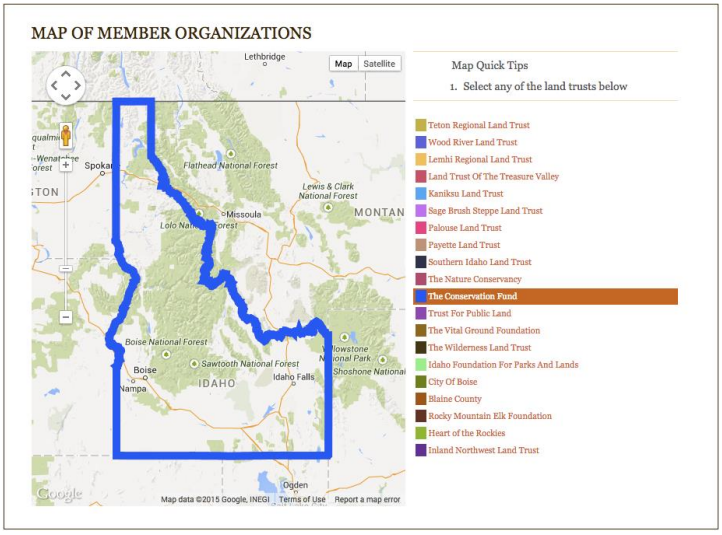
The Conservation Fund

The Conservation Fund (The Fund) has protected almost 7.5 million acres of land and water in all 50 states.

Protecting land and water with high conservation value is essential for America's environmental health and its economic vitality. The Fund enables conservationists, government agencies, community leaders and land trusts to swiftly protect properties for wildlife, recreation and/or historic significance. Often a landowner's timetable to sell does not align with available funding from private and public sources. The Fund's capital supplies the timely bridge financing that is critical to help save important properties.

The Fund offer rapid and nimble action, along with deep expertise in a wide array of complex transactions. By continually re-investing our funds into new conservation projects once others are completed, we've helped permanently protect over 7.5 million acres in all 50 states.

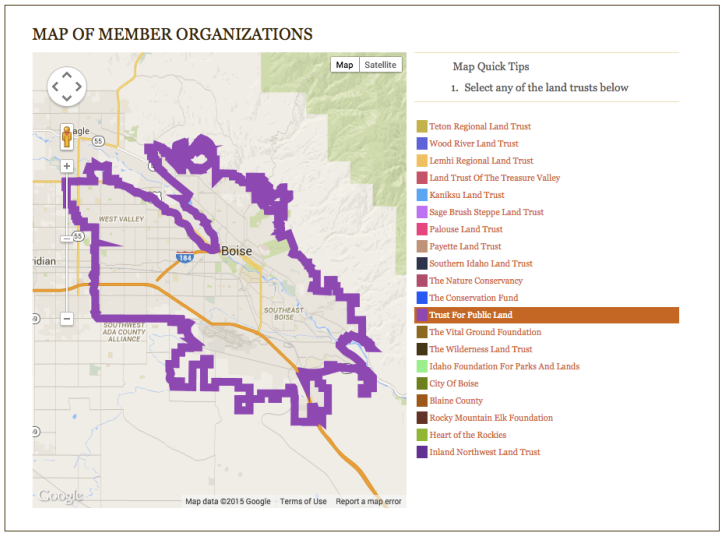
The urgency and pace of conservation can be impeded by a lack of timely funding. Our Loan program offers flexible financing as well as sustained and expert technical assistance to land trusts and other organizations aiming to protect key properties in their communities. Since our first loan in 1993, we've helped our partners achieve their conservation goals, providing more than $130 million in almost 250 loans to over 125 partners. Local conservationists have protected more than 110,000 acres across 34 states - lands valued at nearly $275 million - with funds from our continually revolving $50 million pool of loan capital. We are a land trust as well as a lender, investing in our shared conservation goals.



Trust for Public Land

The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come.

The Trust for Public Land works to protect the places people care about and to create close-to-home parks—particularly in and near cities, where 85 percent of Americans live. Our goal is to ensure that every child has easy access to a safe place to play in nature. We also conserve working farms, ranches, and forests; lands of historical and cultural importance; rivers, streams, coasts, and watersheds; and other special places where people can experience nature close at hand.



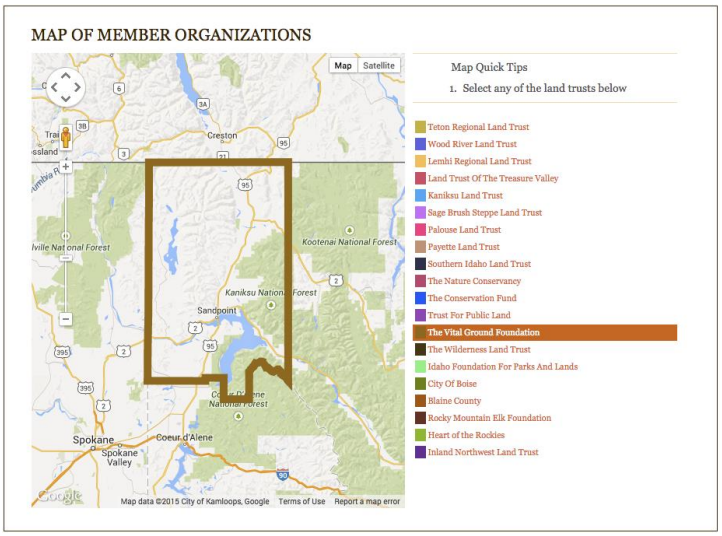
The Vital Ground Foundation

The Vital Ground Foundation (Vital Ground) is a small (but thriving) land trust with a unique mission. The primary goal of Vital Ground it to reconnect isolated fragments of wildlands that are important for grizzly recovery and biodiversity. In order to accomplish this goal, Vital Ground must be both selective and strategic. As such, Vital Ground uses its financial resources and real estate expertise to identify and protect those parcels of private land crucial to the survival of the grizzly.

Vital Ground is less concerned with actual acreage size, rather overall habitat value for the endangered grizzly is the land trusts primary concern. Vital Ground places special emphasis on protecting private lands where grizzly bears reside or could possibly expand, especially spring and fall range habitat; private lands adjoining or adjacent to public lands or existing protected private lands; and linkages between grizzly bear ecosystems.

Vital Ground endeavors to preserve a wildlife legacy for future generations in spite of a rapidly urbanizing society, which has altered the face of North America. Vital Ground focuses on grizzly habitat because the grizzly is nature's umbrella species and the barometer of a healthy and whole environment. If we can permanently enable the long-term survival and growth of grizzly bear populations, we truly can preserve North America's wild heritage for our children and beyond.

Vital Ground seeks and accepts donated lands and conservation easements on lands possessing crucial habitat for grizzly and other wildlife. The goal with every landowner is to build a solid, interactive relationship that will help foster long-lasting and meaningful conservation. The organization recognizes the importance of partnerships with other conservation organizations, community groups, and agencies; and believes it to be entirely possible and desirable to preserve the ecological integrity of grizzly range alongside informed human communities and vibrant economies.

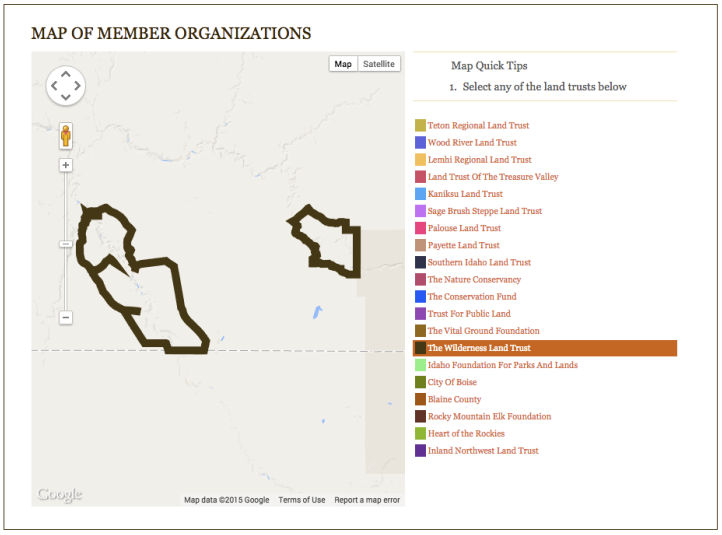


The Wilderness Land Trust

The Wilderness Land Trust (WLT) is a national, nonprofit conservation organization dedicated to purchasing lands for the federal wilderness system to ensure their preservation. The goal of the WLT is to ensure that America keeps its promise to future generations that America's wilderness will remain forever wild. WLT works to further this goal by acquiring and transferring private lands (inholdings) to public ownership that complete designated and proposed wilderness areas, or directly protect wilderness values.

With the Wilderness Preservation Act in 1964, Congress established the world's first National Wilderness Preservation System, where "man himself is a visitor who does not remain." But simply drawing lines on a map and declaring it a wilderness area does not necessarily make a wilderness whole. Wilderness areas are often riddled with private ownership. Many such "inholdings" predate the Wilderness Act and are vulnerable to mining, logging, oil and gas drilling and development. The WLT works to acquire these lands. We then transfer them to federal agencies to be protected as wilderness forever.

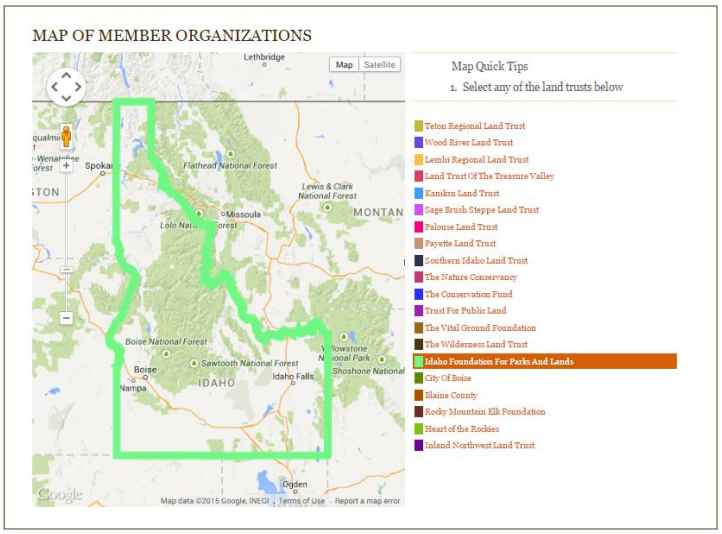
By removing these threats not only protect these lands from development, but also the integrity of the surrounding wilderness. Donors make this work possible.



Idaho Foundation For Parks and Lands

The Foundation for Parks and Lands' goals are to promote the acquisition, preservation, conservation and maintenance of open spaces and related ecosystems. It is organized to cooperate with community groups and governmental units within the state. The Foundation has been fortunate, in building its track record, to acquire most of its holdings by donation rather than purchase. A key element in the process is public and private trust and confidence."

The Foundation is a statewide public benefit privately funded organization whose mission is to preserve and protect open space lands and unique natural, scenic settings for public benefit through various flexible conservation methods.



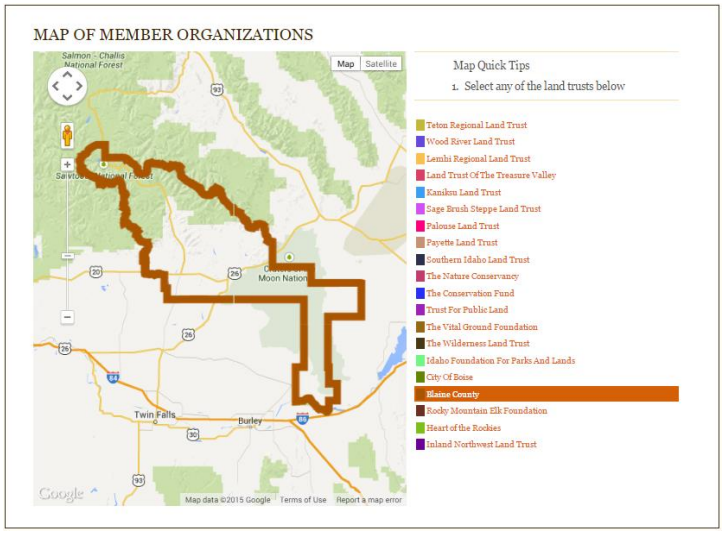
City of Boise

Boise Parks & Recreation enhances the quality of life in Boise by providing safe, healthy recreational opportunities for children and adults.The Department is responsible for maintaining more than 100 parks, 135 miles of Foothills trails, 25 miles of Greenbelt pathways, hundreds of acres of open space, Zoo Boise, Warm Springs Golf Course, Quail Hollow Golf Course, six outdoor pools, Idaho IceWorld, Fort Boise Community Center and many other amenities. We offer art, drama and dance classes, fitness and martial arts programs, mountain biking instruction, nature tours, environmental education, special events and other programs. Boise Parks & Recreation serves hundreds of low-income youth at three school-based community centers and a mobile recreation van program that travels to parks, schools and refugee apartment complexes throughout the city.

Blaine County

The Blaine County Land, Water & Wildlife Program (LWWP) protects and restores agricultural lands, wildlife habitat and water resources that people care deeply about and that contribute so much to our quality of life. The Program is committed to maximizing public benefit for this and future generations. The LWWP has provided partial funding for five perpetual conservation easements and two non-acquisition/restoration projects. The Program was made possible by the citizens of Blaine County who passed a two-year tax levy in 2008 that raised $3.4 million. Approximately $1.5 million remains.

The LWWP partially funds projects proposed by applicants and may also initiate its own projects. Please refer to the Funding Mechanisms section of this document for Program specifics and how to apply for a grant.



Rocky Mountain Elk Foundation

The Rocky Mountain Elk Foundation believes that hunting is conservation through the following methods:

Land Protection: The RMEF permanently protects crucial elk winter and summer ranges, migration corridors, calving grounds and other vital areas, while focusing on securing and improving hunter access throughout elk country. Our land conservation tools include: acquisitions, access agreements and easements, conservation easements, land and real estate donations, land exchanges and associated acres.

Habitat Stewardship: Healthy habitat is essential for healthy elk and other wildlife. The RMEF helps fund and conduct a variety of projects to improve essential forage, water, cover and space components of wildlife habitat, and supports research and management efforts to help maintain productive elk herds and habitat.

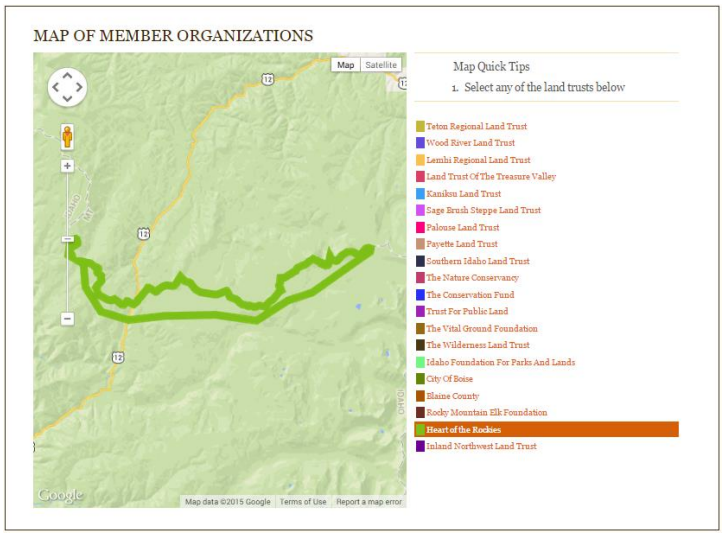
Elk Restoration: The RMEF works to reestablish elk herds in historic ranges where the habitat and human cultural tolerance create a high potential for self-sustaining herds."

Heart of the Rockies

The Heart of the Rockies Initiative provides strategic vision, the latest science, and international cooperation to the strong work being done by 24 land trusts, protecting critical habitats and private ranch, farm and timberlands in the Rocky Mountains of Wyoming, Idaho, Montana, British Columbia and Alberta.

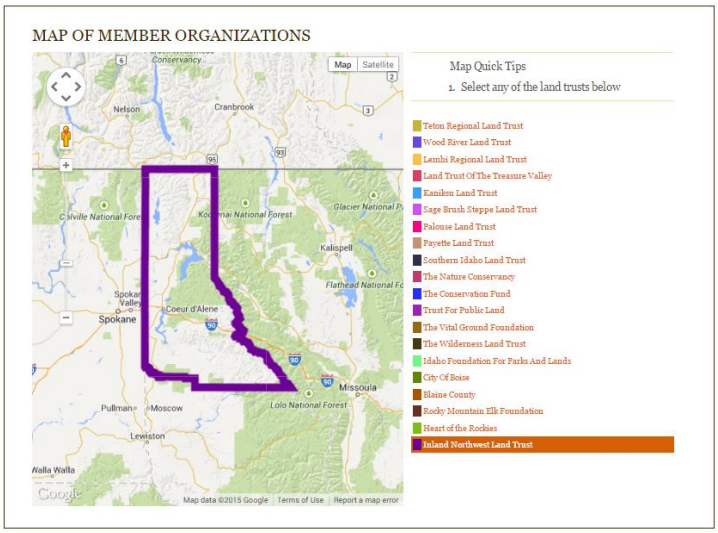
Each partner is strong, but by bringing the partners together The Heart of the Rockies Initiative makes the team stronger by providing collaborative planning, capacity building, capital fundraising.

The mission of this organization is to work with the organizations partner's to increase the pace of strategic private land conservation of ecological, agricultural and cultural significance.



Inland Northwest Land Trust

The Inland Northwest Land Trust protects the region's natural lands, waters, and working farms and forests for the benefit of wildlife, our community, and future generations. INLT works with willing private landowners and other partners to protect natural open spaces that contribute to our community's quality of life. INLT focuses on conserving the special places that nourish wildlife and preserve the clean air, clean water, and scenic beauty of our region.



Resources

DAVID J. DIETRICH & CHRISTIAN DIETRICH, CONSERVATION EASEMENTS: TAX AND REAL ESTATE PLANNING FOR LANDOWNERS AND ADVISORS (2011).

ELIZABETH BYERS & KAREN MARCHETTI PONTE, THE CONSERVATION EASEMENT HANDBOOK (2005).

BETH ROSE MIDDLETON, TRUST IN THE LAND: NEW DIRECTIONS IN TRIBAL CONSERVATION (2011).

JANE ELLEN HAMILTON, CONSERVATION EASEMENT DRAFTING AND DOCUMENTATION (2014).

In addition, several legal scholars have published substantially in the area of conservation easements. See works by Nancy A. McLaughlin, Jessica Owley, and Jessica E. Jay, among others.