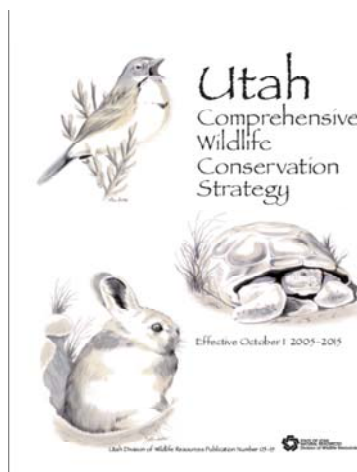


# Conservation Programs for Private Lands

Programs and Resources Available in Utah  
for Implementation of Utah's Wildlife Action Plan



*A joint project of:*

Utah State University Wildlife Extension Community-Based Conservation Program  
Utah's Department of Natural Resources: Endangered Species Mitigation Fund  
Utah's Division of Wildlife Resources: Utah's State Wildlife Action Plan  
Quinney Professorship for Wildlife Conflict Management  
Jack H. Berryman Institute

## Summary Resource Document

Compiled by Lorien Belton  
Community-Based Conservation Program, Utah State University



# **Conservation Programs for Private Lands: Programs and Resources Available in Utah**

A publication of  
Utah State University Cooperative Extension

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## Preface

Nationwide, private lands and private landowners provide much of the habitat required by endangered and threatened species. The value of private lands in species conservation and recovery is indisputable. As a case in point, 50% of the sage-grouse habitat in Utah is owned and managed by private landowners. The Endangered Species Mitigation Fund was established by the Utah Legislature, in part, to assist private landowners resolve conflicts associated with the Endangered Species Act. This fund, administered by the Utah Department of Natural Resources, has provided assistance to counties, municipalities, agencies, and universities in support of balancing the management of sensitive species with community economic development.

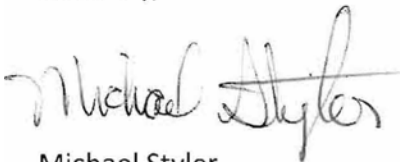
In support of this mission and in the spirit of cooperation, the Utah Department of Natural Resources and Utah State University Extension are pleased to provide this publication entitled, "Conservation Programs for Private Lands: Programs and Resources Available in Utah for Implementation of Utah's Wildlife Action Plan." Utah, like all states, has written a comprehensive wildlife conservation strategy, also known as the State Wildlife Action Plan. The overarching goals of the plan are to keep common species common, and to prevent endangered species listings by taking appropriate conservation measures before the species become imperiled.

This document represents a major milestone in the effort to conserve Utah communities and our state's wildlife. It is a compilation of the major programs in Utah that provide opportunities for landowners to conduct conservation work on private land. Whether you are a landowner trying to sort through the wide array of opportunities available to you, a program manager searching for a better fit for an interested landowner's situation, or a wildlife manager searching for the best program to keep a species or habitat from declining, this publication has something to offer you.

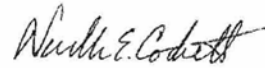
This document is a joint project of the Utah Division of Wildlife Resources' Wildlife Action Plan (WAP) implementation team and Utah State University Extension's Community Based Conservation Program. It was funded through a grant from Utah Department of Natural Resources' Endangered Species Mitigation Fund. Additional publication sponsors were the Natural Resources Conservation Service and the Great Basin Environmental Program.

We thank you for all you do to conserve Utah's way of life and our state's rich wildlife heritage.

Sincerely,



Michael Styler  
Executive Director  
Department of Natural Resources



Noelle Cockett  
Vice President for  
Extension and Agriculture  
Utah State University

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# Introduction

This document is a compilation of the major programs in Utah that provide opportunities for landowners to conduct conservation work on private land. Each program summary answers the same set of questions, so that it is easier to compare opportunities in specific ways; for example, whether or not the program provides follow-up funding for species monitoring.

We've summarized a wide variety of resources, from organizations that can help find a direction for private land conservation efforts to technical assistance programs that get people on the ground to help do the hard work. Programs that are only funding – ones that require a grant application and provide nothing but money – are not included here. See the last pages for a short list of some of these funding resources.

## **Who is this for?**

This document is intended to be a resource for private landowners, species or habitat managers, and program managers. We hope you use it to learn about programs, find opportunities for yourself or others to work toward conservation goals on private lands. Whether you are a landowner trying to sort through the wide array of opportunities available to you, a program manager searching for a better fit for an interested landowner's situation, or a wildlife manager searching for the best program to keep a species or habitat from declining, we hope this will give you the tools you need to find the right direction.

## **Why not just look on the internet for this information?**

Actually, we hope you do. This document contains brief summaries of how programs work, who is eligible to participate, and what processes are involved in participating with the program. It is just a starting point for knowing what to look for and who to call.

## **Who wrote this?**

This document is a joint project between: the Utah Division of Wildlife Resources' Wildlife Action Plan (WAP) and Utah State University's Community Based Conservation Program (CBCP). It was funded through a grant from Utah Department of Natural Resources' Endangered Species Mitigation Fund (ESMF). Each section was jointly co-written by USU extension and relevant program managers for each profiled organization or program.

## **What is the Wildlife Action Plan?**

Utah, like all states, has written a comprehensive wildlife conservation strategy, also known as the State Wildlife Action Plan. The overarching goals of the plan are to keep common species common, and prevent endangered species listings by taking appropriate conservation measures. Although the document was written through the leadership of the Division of Wildlife Resources, it

is designed to be implemented by many agencies and individuals in Utah. This document is just one tool to assist in the implementation of Utah's Wildlife Action Plan.

Because Utah's Wildlife Action Plan does not address plant species, the word "species" in this document refers only to animal species (terrestrial and aquatic), although for some programs, threatened or endangered plant species may also be an eligible conservation focus.

**There are six types of programs highlighted in the following pages:**

- Easements and Acquisitions
- Planning, Coordination, and Education
- Technical and Funding Assistance for Projects
- Economic/Financial Incentives
- Policy Mechanisms
- Tools and Resources for Getting Work Done

Some programs highlighted here fall under more than one category, like an easement program that also provides funding and technical assistance with habitat improvement projects.

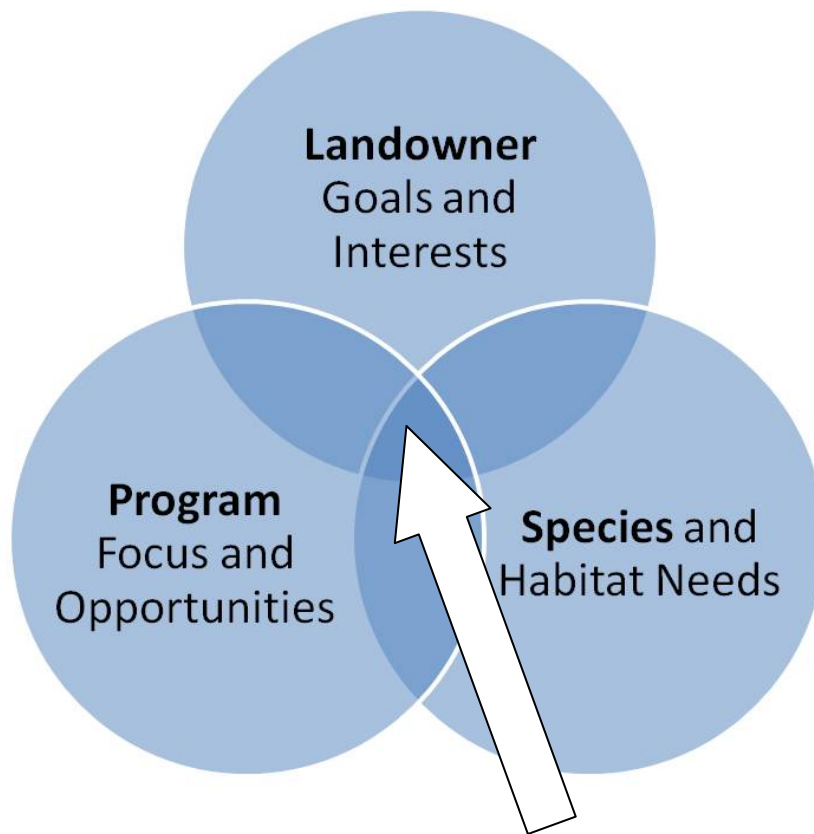
Programs are presented in the Table of Contents by their primary outcome or purpose as described in this document. However, many fall into several categories. In addition, there are many other ways to represent these programs. The "How Do I Find a Program That Matches My Needs?" section provides different ways of looking at these many programs: by types of landowners who may find them most relevant, by conservation benefit, and other categorizations. The final section at the end of each program summary also provides detailed information (although not exhaustive) about the kinds of landowners and conservation situations the program is and is not appropriate for.

**About the information provided in these summaries:**

The information in this document has been gleaned, by a number of different individuals, from many different sources, including websites, brochures, and other publications about these programs. In some cases, the exact wording from those publications has been used in order to ensure accurate descriptions of the programs. In the interest of readability, those sources are not listed. Every summary has been reviewed by someone in the organizations profiled; however, any errors in the facts presented are the responsibility of the author.

## How to Use This Document

Wildlife protection and conservation work on private land must take landowner needs and wildlife needs into consideration.



Find the overlap where program opportunities support both landowner and conservation goals.



# Landowner Considerations

**Consider how the species or habitats on private land fit into the bigger picture of a landowner's needs.** Consider the landowner's unique situation. His or her answers to the questions below can help clarify which programs are the best fit for a landowner's family and land, and the wildlife and habitats there.

## Real Estate Considerations

- Are they developers looking for ways to mitigate their impact?
- Do they own their own mineral rights?
- Are they thinking of selling land in the next one to five years?
- Would they like to have someone else have oversight for the duty of keeping the land undeveloped into perpetuity?
- Do they have plans for using the property for development or other purposes that might negatively impact species or habitats?

## Conservation Interest

- Are they just interested in general wildlife?
- Do they need more information on the wildlife on their land before coming up with possible projects ideas?
- Do they have clear ideas but can't afford what needs to be done?
- Are they more or less interested in a particular species?
- Do they have long-term or short-term conservation goals?

## Social Realities

- Are the landowners interested in supporting conservation objectives?
- Are they hoping to retain working agricultural land?
- How do they feel about the government, either federal or state?
- Do they feel pressured by others in their family to NOT make conservation-oriented decisions?
- Will they allow state wildlife agency employees on the land?
- Will they allow private individuals (not government employees) on the land?

## Economic Realities

- Do they need to make money off the wildlife or conservation value to make conservation an option for them?
- Can they commit funding long-term to support the management of a project infrastructure or easement monitoring?
- Are they willing to commit financially to habitat improvement projects?

## Conservation Context

- Are the species or habitats on their land rare in Utah?
- Do they have a species that is only located on their land?

- Do any of the species on their land (or habitats) have federally protected status?
- Do they have a migratory species (either international or regional migrations) such that the species is not always on their land?
- Are the landowners' current actions likely to threaten the species?

**If you are a landowner, consider your short- and long-term interests.**

- **Are you looking for a long-term solution for keeping your land intact for heirs, in agricultural production, or focusing entirely on wildlife?** If so, look through the easements section.
- **Are you interested in making a particular part of your property more wildlife friendly by improving it somehow?** Check out the project planning and implementation assistance section.
- **Are you not quite sure how you might help, or what is on your land, but you'd like information, advice, or just some ideas?** Look in the educational and references section.
- **Do you have an interest in conservation work, but no way to invest in it financially?** See if any of the conservation incentive programs apply to you.
- **Do you have a project in mind, but the magnitude of it is too big to handle on your own?** Consider conservation corps crews to help with big projects.
- **Do you have an endangered or threatened species or its habitat on your land?** There are several programs that can help you understand and plan for conservation related to federally listed species.

# Wildlife Considerations

What makes a particular parcel of private property valuable for conservation? Is it because one landowner owns all the remaining habitat type for a given species, because the property is part of a crucial migration corridor, or for some other reason?

**Consider how the following factors may influence the role that private lands conservation efforts can contribute to conservation of a species or a habitat.**

When does the species use the private property?

- Year-round?
- Only seasonally?
- Only as a refuge of last resort in particularly harsh winters or very dry summers?

How does the species use the private property?

- For breeding or raising young?
- As a migration corridor?
- To fulfill key nutritional needs?
- As access to water?
- For protection from a specific threat?

How important is the private property to the species overall?

- Would protecting the property long-term provide stability to the species?
- Would elimination of the conservation value of the property cause a significant problem for the long-term survival of the species?
- Are threats to the species on the property within the control of the surface landowner?
- Are there significant threats to the species that are likely to overshadow any conservation efforts on particular private lands?
- What would the impact to the species be if habitat on the property were not protected or improved?
- Do neighboring properties provide benefits or threats to the species?

The role of private lands in meeting conservation goals depends on these factors and others. For example, where else a species is found, where in the range of a species a property lies, and the relative quality of nearby habitat areas will influence how valuable the conservation opportunities on a given property can be.

# Program Considerations

The array of conservation programs for private lands can be overwhelming and complex. They are organized in the Table of Contents by the main kind of help they provide. A description of those categories can be found below. Continue flipping through this section to find other ways to think about these many opportunities.

## **EASEMENTS and ACQUISITIONS**

- An easement is a standard legal document where a long-standing entity (like a nonprofit or agency) purchases or accepted the donation of development rights on a piece of land, and promises to ensure that the property is never developed, even if the ownership of the land changes.

## **PLANNING, COORDINATION, and EDUCATION**

- Many organizations highlighted here can help you identify what wildlife or habitat resources you have on your property and how best to help them.

## **TECHNICAL and FUNDING ASSISTANCE for PROJECTS**

- There are many different programs that can help plan, fund, and implement projects to benefit wildlife on private land.

## **ECONOMIC/FINANCIAL INCENTIVES**

- Depending on the situation, a variety of incentive programs are available to help landowners benefit financially from doing conservation work on private property.

## **POLICY MECHANISMS**

- Several federal policies allow landowners with Threatened, Endangered, or Candidate species on their land to help those species and gain regulatory assurances through formal planning and project efforts.

## **RESOURCES for GETTING WORK DONE**

- Several programs in Utah provide crews that can help with the hard labor of big conservation projects, without breaking the bank.

Some programs presented in this document are better suited to certain kinds of situations. For example, creating a Candidate Conservation Agreement with Assurances (CCAA) for a non-migratory species with clearly defined direct threats and a limited range on primarily private property – such as a mollusk – might be considerably less complex than using the program to address conservation goals for a species whose conservation necessarily involves multiple public and private partners, range-wide conservation goals, and complex sets of threats affecting the species.

**The choice to do conservation work on private lands depends on:**

- Whether the benefit of doing the conservation work is important enough to the landowner, relative to the value of other needs and interests they have for the property, to justify the time and expense required,
- Whether doing the conservation work on that particular property is important enough to the species or habitat to justify the time and expense, and
- Whether a program (or suite of programs) exists that can meet the needs of both the landowner and the species or conservation goal.

If one of those conditions is not met, reconsider whether the time and effort of working toward a particular goal on private property is the most efficient use of resources, either in the long term or short term.

# How Do I Find a Program That Matches My Needs?

This section provides several additional ways of looking at these many programs: by their utility for species on the Endangered Species list, by the level of government they are associated with, by habitat for which they might be relevant, and by types of landowners (agricultural or not) who may find them most relevant. For more detail on the types of landowners and types of conservation goals that are most appropriate for each program, be sure to look at the final section of each program summary.

## If there are Endangered, Threatened, or Candidate species on a property

The U.S. Fish and Wildlife Service (FWS) has prepared information to guide landowners toward appropriate FWS programs. A modified version follows:

### *For properties with an Endangered or Threatened Species:*

- **Safe Harbor Agreements** can help landowners manage their land in a way that aids in species recovery and provides flexibility in the use of that land.
- If a landowner is considering an activity that might harm the species or its habitat, **Habitat Conservation Plans** may cover the land-use activity and conserve the species
- For landowners willing to manage their land in perpetuity for the benefit of a species, and get paid to do it, a **Conservation Bank** may be a possibility

### *For properties with Candidate or at-risk species:*

- With a **Candidate Conservation Agreements with Assurances**, landowners can help conserve the species and receive assurances if the species ever gets listed.
- **Partners for Fish and Wildlife** can help landowners maintain and restore habitat for imperiled species on their property.

## **Programs by Level of Government or Private Administration**

Below is a listing of public and private agencies and organizations that provide programs to assist private landowners. The table that follows provides a general guide to program focus areas to include the page number where the program is discussed in this document.

### ***Privately administered programs***

- American Conservation Experience (ACE)
- Bear River Land Conservancy (BRLC)
- Canyon Country Youth Corps (CCYC)
- Foundation for Quality Resource Management (QRM)
- Friends of Alta (FOA)
- The Nature Conservancy Easement Program (TNC)
- Ogden Valley Land Trust (OVLТ)
- Resource Conservation and Development Areas (RC&Ds)
- Summit Land Conservancy Easement Program (SLC)
- The Tamarisk Coalition (TC)
- Utah Farm Bureau (UFB) and Utah Farm Bureau Federation (UFBF)
- Utah Open Lands Easement Program (UOL)
- Virgin River Land Preservation Association (VRLPA)

### ***County or local region programs***

- Cooperative Weed Management Areas (CWMAs)
- Local Conservation Districts (CDs)
- Summit County Land Committees (ESAP and BOSAC)
- Utah Prairie Dog Habitat Credit Exchange Program (UPDHCEP) & Utah Prairie Dog Recovery Implementation Program (UPDRIP) (local + federal)

### ***State of Utah programs***

- Cooperative Wildlife Management Units
- Forest Legacy Program (federal funding; state administered)
- Forest Stewardship Program
- DWR Land and Water Assets (DWR Easements)
- DWR Land and Water Assets (DWR In-Stream Flow)
- Utah Conservation Corps (UCC)
- USU Cooperative Extension (Forestry, Wildlife, and Small Acreage) (USU Ext)
- Utah Grazing Improvement Program (UGIP)
- Walk-in Access Program (WIA)
- Water Quality Improvement Programs (319 and NPS)

**Federal programs**

- Candidate Conservation Agreements with Assurances (CCAA)
- Conservation Banking (locally administered once established)
- Conservation Reserve Program (CRP)
- Conservation Stewardship Program (CSP)
- Conservation Technical Assistance Program (CTA)
- Endangered Species Tax Deduction
- Environmental Quality Improvement Program (EQIP)
- Farm and Ranch Land Protection Program (FRPP)
- Grassland Reserve Program (GRP)
- Habitat Conservation Plans (HCP)
- Partners for Fish and Wildlife (PFW)
- Safe Harbor Agreement (SHA)
- Wetland Reserve Program (WRP)
- Wildlife Habitat Improvement Program (WHIP)

**Programs by Habitat and Land-Use Types**

This chart identifies where each program may generally be used. This information should be considered advisory only: always check with a direct program contact to confirm eligibility.

Program	Land or Habitat Type			Agricultural Status		Page
	Riparian/ Water	Forested	Rangeland	Agricultural Production	Non-Ag Production	
ACE	Yes	Yes	Yes	Yes	Yes	191
BOSAC	Yes	Yes	Yes	Yes	Yes	58
BRLC	Yes	Yes	Yes	Yes	Yes	21
CCAA	Yes	Yes	Yes	Depends on terms	Yes	175
CCYC	Yes	Yes	Yes	Yes	Yes	195
CDs	Yes	Yes	Yes	Yes	Yes	99
Conservation Banks	Yes	Yes	Yes	Yes	Yes	149
CRP	No	Yes	Yes	Only	No	25
CSP	Yes	Yes	Yes	Yes: include non-indus- trial forest	No	121
CTA	Yes	Yes	Yes	Yes	Yes	83
CWMA	Yes	Yes	Yes	Yes	Yes	87
CWMU	Yes	Yes	Yes	Yes	Yes	154
DWQ: EPA 319 & NPS	Only	Only with riparian	Only with riparian	Yes	Yes	138
DWR: Easements	Yes	Yes	Yes	Yes	Yes	30



Program	Land or Habitat Type			Agricultural Status		Page
	Riparian/ Water	Forested	Rangeland	Agricultural Production	Non-Ag Production	
DWR: Instream	Only	Only with riparian	Only with riparian	Yes	Yes	34
Endangered Species Tax Deduction	If agricultural	Not if in timber, maybe if in agriculture	If agricultural	Only	No	165
EQIP	Yes	Yes	Yes	Only	No	125
ESAP	Yes	Yes	Yes	Yes	Yes	58
FLP	Only if at least partially forested	Yes	Only if at least partially forested	Yes	Yes	45
FOA	Yes	Yes	Yes	Yes	Yes	42
FRPP	Yes	Yes	Yes	Yes	No	38
FSP	Only if at least partially forested	Yes	Only if at least partially forested	Yes	Yes	92
GRP	No	No	Yes	Yes	Depends on specific land qualifications	49
HCP	Yes	Yes	Yes	Yes	Yes	179
OVLT	Yes	Yes	Yes	Yes	Yes	53
PFW	Yes	Yes	Yes	Yes	Yes	129
QRM	Yes	Yes	Yes	Yes	Referrals	95
RC&D	Yes	Yes	Yes	Yes	Yes	106
SHA	Yes	Yes	Yes	Yes	Yes	184
SLC	Yes	Yes	Yes	Yes	Yes	62
TC	Yes	Yes	Yes	Yes	Yes	102
TNC	Yes	Yes	Yes	Yes	Yes	66
UCC	Yes	Yes	Yes	Yes	Yes	199
UFB/UFBF	Yes	Yes	Yes	Primarily	Referrals	110
UGIP	Yes, if grazed	Yes, if grazed	Only	Only	No	133
UOL	Yes	Yes	Yes	Yes	Yes	69
UPDHEP/UPDRIP	Only if relevant to Utah prairie dogs	No	Yes	Yes, depending on terms	Yes	158
USU Ext	Yes	Yes	Yes	Yes	Yes	114
VRLPA	Yes	Yes	Yes	Yes	Yes	73
WHIP	Yes	Yes	Yes	Yes	Yes	142
WIA	Yes	Yes	Yes	Yes	Yes	169
WRP	Only	Only if riparian	Only if riparian	Only	No	77

# Program Summaries

On the following pages, you will find summaries of many opportunities and efforts to support conservation and wildlife work on private lands in Utah. This provides a starting point for wildlife managers, landowners, and others to learn about programs that may jointly benefit people and wildlife.

These summaries are not intended to be exhaustive or include all details about any given program. We worked hard to include complete and accurate information for all programs, although there may be omissions or errors of which we are unaware. The information included here was accurate, to the best of our knowledge, at the end of 2011.

These pages are for guidance and reference only – a starting point for anyone unfamiliar with the basic purposes and requirements of the myriad conservation programs available for private lands in Utah.

Anyone interested in applying for a specific program should conduct his or her own analysis beyond what we have provided here and communicate with program managers before deciding what program is best for their situation.

# Easements and Acquisitions

This section provides a look into different ways to preserve the conservation value of a particular parcel of private property in the long-term. Programs are available at the federal, state, county, and private levels.

- Federal programs include the Conservation Reserve (CRP), the Farm and Ranch Protection Program (FRPP), and the Grassland Reserve (GRP), and Wetland Reserve (WRP) programs, which provide opportunities for agricultural lands to be protected, rested, or enhanced, thus increasing their conservation value. These four programs are administered by The Natural Resources Conservation Service or the Farm Bureau.
- The State of Utah administers the Forest Legacy Program (FLP) for forest landowners, as well as managing programs for easements and purchases of land and water rights for the benefit of wildlife.
- Summit County, Utah, has two committees which work closely with the county to provide guidance on conservation and open space preservation in that county.
- A number of private nonprofit groups are also profiled here. The main focus of many of these organizations is to hold conservation easements in various parts of the state.
- Two additional resources, explained in greater detail in the “Additional Resources” section at the end of this document, are the LeRay McAllister Critical Lands Conservation Fund, a Utah state government entity which can help play a coordinating role in easement and acquisitions planning; and Property Analysis Record © (PAR), a software tool available for purchase which provides cost estimates for long-term management of a property via a detailed and objective cost calculation for long term (perpetual) stewardship or conservation easement responsibilities on a property (also see [www.cnlm.org](http://www.cnlm.org)).

Often, long-term land preservation for just one parcel is a combined effort between many of the entities listed above.

**An easement is a standard legal document where a long-standing entity (like a nonprofit organization or a state agency) purchases or accepts the donation of development rights on a piece of land, then promises to ensure that the property is never developed, even if the ownership of the land changes.**

# Bear River Land Conservancy Easement Program

Bear River Land Conservancy, a nonprofit organization based in Logan, Utah, works with willing private landowners to conserve and enhance private lands for wildlife habitat, working farms and ranches, land and trails of recreational or historical significance, watersheds, and critical vistas, using conservation easements and sound management, to benefit the people of northern Utah, today and in perpetuity.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Bear River Land Conservancy (“The Conservancy”).

### **Who actually administers the program?**

Bear River Land Conservancy.

### **Who is eligible to participate in the program?**

Landowners, including farmers, ranchers, and developers in Box Elder, Cache, and Rich counties in northern Utah who own property that has special value for the public.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Conservancy personnel monitor each conservation easement at least once each year. The Conservancy raises money (sometimes through donations from the landowner) for the permanent stewardship and legal defense of each easement prior to accepting the easement.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

In the case of conservation easements, the landowner is typically responsible for management of the property, as well as for all taxes and maintenance of the property. The Conservancy does not provide funding for management, but may direct the landowner to state and federal programs that do. Where properties are purchased in fee title, and in some other rare cases, the Conservancy accepts management responsibilities.

### **Where does funding for the program come from?**

The Conservancy and its conservation programs are funded by donations from individuals, grants from private foundations, and local, state, and federal programs and agencies.

## HOW IT WORKS

- In most cases, the landowner initiates the project by contacting the Conservancy. In some cases, the Conservancy identifies critical parcels and initiates the contact.

- A meeting is held between the property owner and Conservancy personnel using an Initial Project Criteria checklist. If the Conservancy representative feels that there are conservation values on the property, the Board is asked to give preliminary approval for the project.
- If the Board finds compelling public values in the property and believes there is a reasonable chance that necessary resources can be obtained to complete the project, the Conservancy and the landowner sign a letter of intent that outlines the estimated scope, costs, and values to be protected by the transaction.
- The property must be appraised for market and conservation values. The appraisal must be done by an appraiser qualified to assess conservation values chosen by the landowner.
- The staff prepares a baseline documentation report, which catalogues the conservation values. The Conservancy commissions a title report and other surveys and studies as necessary to document the conservation values. The Conservancy begins writing grants and fundraising for the project. Fundraising includes money to purchase the easement in a “bargain sale” (i.e., for less than appraised value), money to cover the Conservancy’s transaction costs (including in-house costs, attorney’s fees, etc.), and funds to be set aside for monitoring, stewardship, and legal defense.
- After the appraisal is complete, the Conservancy and the landowner negotiate the terms of the conservation easement and a purchase agreement is drafted. The Conservancy’s Board must give approval. Funding sources often have stipulations that must be included in this document.
- When funding is secured, the transaction is closed like other real estate transactions, with the help of a title company and attorneys.

**What policies are followed internally in approving projects or analyzing applicants?**

The Conservancy has an Initial Project Selection Criteria checklist that filters all proposed projects. The Conservancy also follows a Project Process Checklist and a Baseline Document Checklist in assembling the necessary information for the process.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

The Conservancy’s Board of Directors gives approval initially, at the time of the Letter of Intent, at the time of the Purchase Agreement, and again for the easement document.

**Is a formal contract or agreement required?**

Yes: Letter of Intent, Purchase Agreement, Conservation Easement

**What are key terms of agreement that a landowner would need to know?**

The landowner should understand that the Conservancy accepts only fee title purchase or permanent conservation easements. A conservation easement document outlines restrictions on how the property may be used to ensure protecting the conservation values in perpetuity. The landowner and the Conservancy together negotiate this agreement. Due to the nature of these agreements, the Conservancy asks all landowners to seek professional counsel, estate planning, and advice from CPAs who understand the Internal Revenue Code relevant for conservation easements. Landowners also need to be willing to make a donation of some of

the value of the property, as funding sources typically require landowners to reduce the price of the easement by 25-40%. Landowners will also need to spend money on attorneys, CPAs, for surveys and appraisals.

**Who are the essential parties to the agreement?**

The landowner, the Conservancy, and funding sources.

## **BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

The program provides permanent protection of conservation values from development. On-site monitoring at least once each year (sometimes more often) can help identify concerns and needed management.

**How does the program benefit landowners?**

- *Monetarily:* Landowners may receive cash for their conservation easement, while retaining ownership and usually the traditional uses of their property. Landowners may also receive substantial tax deductions.
- *Assurances:* The landowners know that their wishes regarding the permanent protection of their property will be carried out on the property forever.

**What are limitations of the program in terms of long-term species conservation?**

Not all conservation easements are crafted to protect wildlife habitat. In some cases, the conservation values that the easement protects may actually conflict with wildlife habitat. For example, a conservation easement to secure public recreation opportunities may introduce more people into a landscape, which may not offer maximum protection for wildlife habitat. In most cases, however, simply protecting a parcel from development offers significant protections for some wildlife.

## **WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

The Bear River Land Conservancy works only in Box Elder, Cache, and Rich counties of Utah.

**Are there standard annual application dates?**

No – landowners may contact the Conservancy at any time.

**What is the duration of the program?**

All of the Conservancy's conservation easements are permanent.

**Can the program handle multi-year commitments?**

Yes – required.

### Are there other relevant time considerations?

Sometimes funding sources are several years ahead of themselves, so the process of raising the necessary money can take 2-5 years.

## Big picture: When is BRLC the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Cherish their rural heritage and love their land and the species that share it
- Want to secure multi-generational commitments for specific parcels of land
- Are interested in improving wildlife habitat or other conservation values that benefit the public for the long-term
- Are willing to accept less than market value for a portion of their property rights in exchange for permanent protection from development

*This program is **NOT** a good match for landowners who:*

- Wish either now or in the future to maximize the dollar value of their property
- Have land that lacks public conservation values

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Include long-term protection for public values in northern Utah
- Require private land to be managed for at least minimal conservation values
- Involve reducing threat of development or sale to non-conservation owners of a particular parcel of land

*This program is **NOT** a good match for conservation goals that:*

- Require immediate intervention to conserve a species
- Are not of interest to the landowner

**Contact:** Bryan Dixon, 435-760-0691, or Dave Rayfield, 435-757-9120, or  
BRLC@BearRiverLandConservancy.org

**Website:** www.BearRiverLandConservancy.org

# Conservation Reserve Program

## (and Conservation Reserve Enhancement Program)

Through CRP, landowners receive annual rental payments and cost-share assistance to establish long-term, resource conserving covers on eligible farmland, with the primary goal of reducing soil erosion. It can also provide cost-share assistance for conservation practices.

### WHO IS INVOLVED

#### Who is the lead agency or organization?

The Farm Service Agency (FSA) implements CRP on behalf of the Commodity Credit Corporation (CCC), a government entity run by the USDA and tasked with maintaining stability in the agricultural sector.

#### Who actually administers the program?

The FSA administers CRP. Technical support is provided by many partners, including the Natural Resource Conservation Service (NRCS); the National Institute of Food and Agriculture (NIFA); state forestry agencies; local soil and water conservation districts; and others.

#### Who is eligible to participate in the program?

Agricultural producers who have owned or operated the land under consideration for at least 12 months prior to close of the CRP sign-up period, unless:

- The new owner acquired the land due to the previous owner's death;
- The ownership change occurred due to foreclosure where the owner exercised a timely right or redemption in accordance with state law; or
- The circumstances of the acquisition present adequate assurance to FSA that the new owner did not acquire the land for the purpose of placing it in CRP.

Landowners with an average Adjusted Gross Income (AGI) of more than \$1 million are not eligible, unless at least 66.66 percent of the average AGI comes from farming.

#### Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?

FSA personnel are responsible for, and funded to, monitor program compliance. The landowner is responsible for meeting the terms of the contract.

#### Who is responsible for long-term management, and does the program provide funding for long-term management?

Every individual listed on the CRP contract is responsible for establishment of adequate cover and management activities on the property. Three forms of management activity funding are available:

- Management activities are designed to ensure plant diversity and wildlife benefits. These activities must be completed before year 6 of a 10 year contract, or before year 9 of a 15 year contract. Cost share is provided at 50%, unless the contract holder chooses to graze or hay, in which case a 25% reduction in the annual rental payment is applied.



- Maintenance Incentive Payments - For certain continuous signup practices, CRP annual rental payments may include an additional amount up to \$5 per acre per year as an incentive to perform certain maintenance obligations.
- Cost-share Assistance - FSA provides cost-share assistance to participants who establish approved cover on eligible cropland. The assistance can be an amount not more than 50% of the participants' eligible costs in establishing approved practices.
- Other Incentives - FSA may offer additional financial incentives of up to 20 percent of the annual payment for certain continuous sign-up practices.

**Where does funding for the program come from?**

Commodity Credit Corporation (CCC) makes annual rental payments to landowners for their land, using funding from government sources. The CCC is funded through Congressional appropriations and U.S. capital holdings.

**HOW IT WORKS**

A landowner signs his or her land up for CRP at the local FSA office. After the evaluation and approval process, FSA provides approved CRP participants with annual rental payments in return for the participants establishing long-term, resource-conserving covers. FSA bases rental rates on the relative productivity of the soils and the average dry land cash rent or cash-rent equivalent. The maximum CRP rental rate for each offer is calculated in advance of enrollment. Producers may offer land at that rate or offer a lower rental rate to increase the likelihood that their offer will be accepted. Additional opportunities for maintenance payments or cost-share on other conservation practices may also be available through the Conservation Reserve Enhancement Program.

**What policies are followed internally in approving projects or analyzing applicants?**

Offers for CRP contracts are ranked according to the Environmental Benefits Index (EBI) using the following factors to assess the environmental benefits for the land offered:

- Wildlife habitat benefits resulting from covers on contract acreage;
- Water quality benefits from reduced erosion, runoff, and leaching;
- On-farm benefits from reduced erosion;
- Benefits that will likely endure beyond the contract period;
- Air quality benefits from reduced wind erosion; and
- Cost.

FSA collects data for each of the EBI factors based on the relative environmental benefits for the land offered. Each eligible offer is ranked in comparison to all other offers and selections made from that ranking.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

Local personnel evaluate CRP enrollment offers for producer and land eligibility, using program guidelines. Final ranking decisions are made at the national level. Not all eligible applications

are approved. For example, if a county exceeds its limitation of 25%, no other offers will be accepted.

**Is a formal contract or agreement required?**

Yes.

**What are key terms of agreement that a landowner would need to know?**

If the operator of the land offered for CRP enrollment is not the owner of the land, then a lease agreement for the 10 years of CRP contract obligation is required at sign up.

**Who are the essential parties to the agreement?**

Landowner or lessee, and the FSA. If the acreage is owned by undivided interests of more than the operator of the land, then all owners must agree to enroll the land. An affidavit or similar document signed by all owners would be required.

## **BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

The program encourages farmers to convert highly erodible cropland or other environmentally sensitive acreage to vegetative cover, such as native grasses, wildlife plantings, trees, filter strips, or riparian buffers. Possible wildlife benefits include reduced soil erosion, reduced sedimentation, improved water quality, establishment of wildlife habitat, and enhanced forest and wetland resources. Additional practices undertaken in conjunction with the program may provide additional benefits. If grazing/haying is allowed on CRP land, there are still restrictions on haying and grazing during primary nesting seasons for relevant bird species.

**How does the program benefit landowners?**

- *Monetarily:* Landowners receive a rent payment for revegetating and resting their land.
- *Assurances:* No wildlife-related assurances are provided through this program.

**What are limitations of the program in terms of long-term species conservation?**

CRP lands are returned to improved vegetative cover for 10-to-15-year blocks of time, and can be grazed or hayed due to routine grazing/haying or emergency grazing/haying in severe drought conditions, but cannot be cropped.

## **WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

To be eligible for placement in CRP, land must be either:

- Marginal pastureland that is suitable for use as a riparian buffer or for similar water quality purposes, or
- Cropland (including field margins) that is planted or considered planted to an agricultural commodity 4 of the previous 6 crop years, and which is physically and legally capable of being planted in a normal manner to an agricultural commodity. Cropland must also meet

one of the following criteria: Have a weighted average erosion index of 8 or higher; be expiring CRP acreage; or be located in a national or state CRP conservation priority area.

- Land that also meets the following qualifications is eligible for continuous – rather than general (time-restricted) – signups: riparian buffers; wildlife habitat buffers; wetland buffers; filter strips; wetland restoration; grass waterways; shelterbelts; living snow fences; contour grass strips; salt tolerant vegetation; shallow water areas for wildlife; and potentially, land within an Environmental Protection Agency (EPA)-designated public wellhead area.

**Are there standard annual application dates?**

General sign-ups occur at specific times designated by FSA; continuous signups are accepted year-round.

**What is the duration of the program?**

CRP contracts are for 10-15 years, with possibility for re-enrollment at the end of the term.

**Can the program handle multi-year commitments?**

Yes – required.

**Are there other relevant time considerations?**

No.

## Big picture: When is CRP the right choice?

### **Landowners**

*This program is a good match for landowners who:*

- Are active agricultural producers seeking diversity of land uses to stabilize their operation
- Are interested in long-term sustainability of their agricultural land
- Need financial return for their conservation efforts

*This program is not a good match for landowners who:*

- Anticipate needing to use the land for agriculture more than once every 3 years.
- Are not comfortable working with the federal government
- Are absentee landowners

### **Conservation Goals**

*This program is a good match for conservation goals that focus on:*

- Vegetation improvement on agricultural landscapes
- Resting crop or grazing land from use
- Reducing erosion or improving water quality
- Improving riparian or wetland conditions and enhancing fish and wildlife habitat
- Specific private parcels critical to a species or habitat
- Addresses issues raised by state, regional and national conservation initiatives

*This program is not a good match for species goals that require:*

- Species-specific conservation work or monitoring
- Immediate permanent retirement of the land

**Contact:** A local USDA-Farm Services Agency office, usually found in each county.

**Website:** <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=copr&topic=crp>

# Utah Division of Wildlife Resources

## Land & Water Assets Program: Easements

The Utah Division of Wildlife Resources (DWR) uses conservation easements to maintain and improve game and sensitive terrestrial and aquatic wildlife populations in Utah through protection and conservation of critical habitats.

### WHO IS INVOLVED

#### **Who is the lead agency or organization?**

The Land and Water Assets Program is a program of the DWR. However, the staff of the Land & Water Assets Program can assist other entities in acquiring conservation easements as long as the property is crucial/high-conservation-value habitat and the holding entity can monitor and enforce the conservation easement; it is the habitat conservation measures that count.

#### **Who actually administers the program?**

Utah Division of Wildlife Resources (DWR).

#### **Who is eligible to participate in the program?**

Private sector landowners with critical wildlife habitats.

#### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The DWR is responsible for monitoring conservation easement interests that it holds. Conservation easements held by other entities, but which were funded in part by or through DWR, are monitored by the entity holding the easement. Financial support for monitoring may be available to the holding entity on a case-by-case basis depending upon the type of funding used by DWR.

#### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The private landowner is responsible for the management of his/her property. No funding is provided for management of the property.

#### **Where does funding for the program come from?**

The array of funding sources used will vary from project to project; DWR will partner with any funding entity whose conservation goals are materially similar. The non-federal funds DWR most often uses are those that are generated from the sale of hunting and fishing licenses and permits in the state of Utah. Another state funding source often turned to is the LeRay McAllister Critical Land Conservation Fund. Depending upon the nature of the conservation easement and the species for which the easement is configured, DWR will seek funding from private sector, non-governmental organizations entities such as The Nature Conservancy, the Rocky Mountain Elk Foundation, the Mule Deer Foundation, etc. Federal programs commonly

relied upon include the U.S. Fish and Wildlife Service's Pittman-Robertson, Dingell-Johnson, and Recovery Lands programs.

## **HOW IT WORKS**

Landowners or the DWR may initiate conversations about acquiring an easement on a particular parcel of private land. The wildlife values and many other considerations are taken into account when deciding whether an easement is appropriate and valuable to be held by the DWR. If an easement is approved, the DWR holds the development rights while the landowner retains ownership and management responsibility.

### **What policies are followed internally in approving projects or analyzing applicants?**

Because conservation easements are expensive not only to acquire, but also to monitor, and if need be, to enforce, in perpetuity, DWR is selective about the properties it considers for conservation easements. When DWR considers a property, it asks questions such as, "How would the conservation easement assist the Division in reaching the goals and objectives outlined in its Strategic Plan or its Wildlife Action Plan; in species management plans; or in species recovery plans and conservation agreements? How does the property fit in a larger landscape conservation effort? When compared against the range of other landscape conservation opportunities, how high a priority is that particular landscape conservation effort relative to others? How much sense will the decision make in the year 2050?"

### **Is the program voluntary?**

Yes. Entering into any conservation easement is entirely voluntary.

### **What level of approval is required?**

The program coordinator of the Land & Water Assets Program conducts an evaluation of the benefits of acquiring each potential easement. The Director of DWR makes the final decision as to whether DWR will acquire any particular conservation easement.

### **Is a formal contract or agreement required?**

Yes.

### **What are key terms of agreement that a landowner would need to know?**

The principal item that a landowner should understand is that the land use and management agreements made in a conservation easement last in perpetuity.

### **Who are the essential parties to the agreement?**

DWR and the landowner. DWR will have its own obligations to the entities that provided funding in any particular conservation easement, but those obligations are separate from the agreement entered into with the landowner.

## BENEFITS and LIMITATIONS

### What benefits does the program provide to species or habitats?

The mission statement of the DWR Land & Water Assets Program is as follows: “On behalf of sportsmen, sportswomen, and others who enjoy fish and wildlife, the Land & Water Assets Program (“Program”) strives to maintain and improve game and sensitive fish and wildlife populations in Utah, and to provide accessible locations where the public can enjoy wildlife, in landscapes where conservation benefits are expected to be most critical and effective through the year 2050. The Program will support the Division’s Strategic Plan by acquiring fee or non-possessory real property interests from willing landowners, and by managing well the resources acquired; or, alternatively, by developing creative conservation approaches in partnership with landowners.”

With respect to conservation easements, the phrase “managing well the resources acquired” means being diligent in monitoring conservation easement interests and ensuring that the easement provisions are being followed. A conservation easement is a “non-possessory real property interest.”

### How does the program benefit landowners?

- *Monetarily:* When a landowner sells a conservation easement, he/she is selling part of the assemblage of property rights owned—such as the right to develop or subdivide a property—and DWR retires those property rights. Depending upon the conservation easement, the landowner will be paid for the market value of those rights; or alternatively, the landowner may donate a portion of the value of those rights and receive payment on the remainder of the easement value. The landowner maintains possession of the property and ownership of the property rights not retired, and the property continues to function as a working landscape.
- *Assurances:* For those landowners to whom it’s important, assurance is given that the property will not be developed by future owners; it will remain the same working landscape created by the landowner and the generations preceding him/her.

### What are limitations of the program in terms of long-term species conservation?

The primary limitation is the availability of funding for conservation easements; conservation needs currently exceed the funding available.

## WHERE and WHEN

### What habitats, locations, or other spatial restrictions does the project have?

The property should fit into a larger, long-term landscape conservation effort, and be one where significant conservation returns are gained on the conservation funds invested. Where possible, the investment should benefit both game species and species that could be federally listed as threatened or endangered.

**Are there standard annual application dates?**

No. A conservation easement project can be initiated at any time.

**What is the duration of the program?**

The conservation easements used by DWR are perpetual.

**Can the program handle multi-year commitments?**

DWR can stage a multi-year conservation easement project.

**Are there other relevant time considerations?**

The acquisition of a conservation easement can take a significant period of time – in many cases, multiple years – before the necessary funding is secured and the provisions of the easement are negotiated to the satisfaction of the landowner and DWR. Participating landowners are encouraged to be patient.

**Big picture: When is a DWR Easement the right choice?**

**Landowners**

*This program is a **GOOD** match for landowners who:*

- *Own critical wildlife habitat in a landscape context that is a priority for conservation*
- *Are personally conservation-oriented*
- *Want to see their property preserved and conserved in the same quality as it is today*
- *Want to see their property pass to the next generation*

*This program is **NOT** a good match for landowners who:*

- *Do not own critical wildlife habitat*

**Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- *Improve game and sensitive fish and wildlife populations in Utah*
- *Are planned as part of a larger, long-term planned landscape conservation effort*

*This program is **NOT** a good match for conservation goals that:*

- *Are short-term and not planned as part of a larger landscape conservation effort*

**Contact:** Stephen Hansen, DWR Land & Water Assets Coordinator  
1594 West North Temple, Suite 2110, Salt Lake City, UT 84116  
(801) 538-4778; stephenhansen@utah.gov

**Website:** none



# Utah Division of Wildlife Resources

## Land & Water Assets Program: In-Stream Flow

The Utah Division of Wildlife Resources (DWR) uses in-stream flow to provide habitat for fish and other aquatic wildlife, and to provide public recreation; and to protect and enhance the natural stream environment, which also benefits terrestrial wildlife.

### WHO IS INVOLVED

#### **Who is the lead agency or organization?**

In order for a water right to remain valid, under Utah law it must be continually put to “beneficial use.” Beneficial uses include domestic, culinary, industrial, irrigation, stockwatering, etc. If the water right isn’t put to beneficial use, after a period of years, it can become at risk of forfeiture.

However, two state agencies—DWR and the Utah Division of State Parks and Recreation (DSPR)— are eligible under Utah law to hold in-stream flows as “beneficial uses” of water. Private, nonprofit groups that “promote fishing opportunities in the state” can also hold in-stream flows as beneficial use” of water if the in-stream flow protects or restores habitat for Bonneville, Colorado River, or Yellowstone cutthroat trout species. No other entities in Utah are eligible under state law to use in-stream flow as a beneficial use.

#### **Who actually administers the program?**

DWR administers its own in-stream flow water rights.

#### **Who is eligible to participate in the program?**

Under Utah law, DWR can put perfected water rights it receives through lease, gift, exchange, contribution, etc., to beneficial use. Any water right owner who gives DWR an interest in his/her water through one of these means can have their water put to beneficial use **through DWR** as in-stream flow.

#### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The DWR is responsible for monitoring the effectiveness and integrity of its in-stream flow water right interests.

#### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Depending upon the degree of positive impact the water could have on wildlife habitat, funds may be available to DWR to lease the subject water right from the water right owner for a negotiated period of time. During the lease period, DWR would be responsible for maintaining the beneficial use status of the subject water right.

**Where does funding for the program come from?**

The array of funding sources available may vary from project to project; DWR will partner with any funding entity whose conservation goals are materially similar. The non-federal funds DWR most often uses are those that are generated from the sale of fishing licenses in the state of Utah. The federal program most commonly relied upon is the U.S. Fish and Wildlife Service's Dingell-Johnson program.

## HOW IT WORKS

Conversations about in-stream flows can be initiated by either the water right owner or by DWR personnel. An evaluation of the water right will be made to ensure that it's a sound right, and that the water can provide a substantive and positive impact for wildlife by being left in the stream. Thereafter, if the interest to be acquired by DWR is through a lease or exchange, an agreement will be negotiated. If the water right owner wishes to make a donation of the water, the conditions of the donation will be worked out, and the conveyance documents drafted and signed. DWR will then submit a "change application" to the Utah Division of Water Rights to change the beneficial use of the water to "in-stream flow." It may also be possible for the change application to be submitted to, and approved by, the Division of Water Resources prior to the water interest being conveyed to DWR, giving the water right owner assurance beforehand that his/her water can be designated as in-stream flow.

**What policies are followed internally in approving projects or analyzing applicants?**

An evaluation of the water right will be made to ensure that it's a sound right, and that the water can provide a substantive and positive impact for wildlife by being left in the stream.

**Is the program voluntary?**

Entering into any lease agreement with DWR, or choosing to donate a water right, is entirely voluntary.

**What level of approval is required?**

The DWR Director has the final decision as to whether DWR will accept or acquire an interest in a water right.

**Is a formal contract or agreement required?**

Yes. Whether by lease, exchange, or gift, DWR would need to receive an interest in the water if the water is to be recognized as an in-stream flow beneficial use.

**What are key terms of agreement that a landowner would need to know?**

The most common misunderstanding that water right owners have is that simply leaving water in the stream makes that water in effect an in-stream flow—it does not. Leaving water in a stream for a period of years without it being formally recognized as a beneficial-use in-stream flow through one of the state entities above (DWR or DSPR) eventually puts the water right at risk of being forfeited (at which time someone else can begin the process of claiming the forfeited water). "In-stream flow" is a legal condition, not a physical condition.

**Who are the essential parties to the agreement?**

The DWR and the water right owner.

**BENEFITS and LIMITATIONS****What benefits does the program provide to species or habitats?**

Water rights are real property interests. In-stream flow, a legally-recognized beneficial use if made by the entities described above, benefits all wildlife species that depend upon riparian areas and streams for habitat/better habitat. The animals most commonly recognized as benefitting from in-stream flows are game and nongame fish species, but in-stream flows benefit a wide array of amphibian and terrestrial wildlife as well. Many of the federally listed and state sensitive species in Utah are aquatic and amphibian wildlife.

**How does the program benefit landowners?**

- *Monetarily:* When a landowner leases a water right to DWR, he/she receives payment for that water. A water right owner is encouraged to donate some of the value of that lease. Donations, whether through gifting or discount leases, are eligible for tax deductions.
- *Assurances:* If a water right owner is coming upon the statutory period of time for water-right forfeiture for non-beneficial use of his/her water, and if the benefit to wildlife from putting the water to beneficial use as in-stream flow through DWR is compelling, DWR can assist the water right owner in keeping his/her water right valid.

**What are limitations of the program in terms of long-term species conservation?**

The human demand for water in Utah is expected to continue to grow significantly in the decades to come. This increased demand will likely impact the quantity and quality of water available for wildlife.

**WHERE and WHEN****What habitats, locations, or other spatial restrictions does the project have?**

In-stream flows are important in all portions of Utah for game, sensitive, and federally listed wildlife species.

**Are there standard annual application dates?**

No, conversations and negotiations about in-stream flows can be initiated at any time.

**What is the duration of the program?**

For water rights that are owned by DWR and converted to in-stream flows, DWR intends to hold those rights as designated in-stream flows in perpetuity. But for water rights that remain privately owned, but which are leased or assigned to DWR for a time-period less than perpetuity, the in-stream flow beneficial use designation is limited by the period, or "term," of the lease or assignment. When the lease or assignment term ends and the leased or assigned water right returns to the possession of the owner, DWR could no longer provide beneficial use status for the water even if the water physically remains in the stream. The lease or

assignment would have to be renewed before the in-stream flow beneficial use status through DWR could again be obtained.

**Can the program handle multi-year commitments?**

Yes.

**Are there other relevant time considerations?**

The designation of an in-stream flow can take a significant period of time for an in-stream flow proposal to be reviewed and negotiated, for funding to be secured, and for water right change applications to be made and approved. Participating water right owners are encouraged to be patient.

**Big picture: When is In-Stream Flow the right choice?**

***Landowners***

*This program is a **GOOD** match for water right owners who:*

- Own water rights that as in-stream flow could make a positive difference in the habitats of federally listed, state-sensitive, and game wildlife species, particularly aquatic and amphibian species
- Are personally conservation-oriented
- Are at risk of having their water right forfeited due to a growing period of non-beneficial use
- Would like to make a charitable, tax-deductible donation

*This program is **NOT** a good match for landowners who:*

- Have a water right that for all practical purposes exists only on paper (i.e., “paper water right”)

***Conservation Goals***

*This program is a **GOOD** match for conservation goals that:*

- Improve game or non-game aquatic species populations

*This program is **NOT** a good match for conservation goals that:*

- Are unrelated to riparian or natural stream habitat, or other wildlife water needs
- Cannot make a compelling argument that increased in-stream flow would help wildlife

**Contact:** Stephen Hansen, Land and Water Assets Coordinator: stephenhansen@utah.gov, (801) 538-4778; or Eric Anderson: ericanderson@utah.gov, (801) 538-4750

**Website:** none

# Farm and Ranch Land Protection Program

The Farm and Ranch Lands Protection Program (FRPP) is an easement funding program which provides matching funds to purchase agricultural easements. Landowners must already be working with a separate easement-holding entity and be willing to develop a conservation plan for the property.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Natural Resources Conservation Service (NRCS).

### **Who actually administers the program?**

NRCS manages FRPP, but works closely with an approved partner entity that actually holds and enforces the easement. The identity of that partner entity varies for each situation.

### **Who is eligible to participate in the program?**

The applicant must be in compliance with highly erodible lands and wetland provisions. If an applicant has an average adjusted gross nonfarm income (AGI) greater than \$1 million, the person or legal entity is not eligible, unless two-thirds or more of their average AGI is farm income.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The easement-holding entity monitors easements for compliance. Funding for this work will depend on the arrangements made with that entity, and may not be standard across FRPP. The NRCS retains the right to monitor the easement if the easement holder does not meet his or her obligations. No wildlife or other monitoring is provided as part of the program.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for long-term management of the property according to any conservation plans developed for the property. The entity holding the easement, in addition to NRCS, may be very helpful in providing technical assistance and identifying funding sources to assist with conservation actions on the property.

### **Where does funding for the program come from?**

FRPP is funded by the Commodity Credit Corporation, a federally funded entity focused on agricultural stability.

## HOW IT WORKS

A landowner must already be working with an easement-holding entity to develop an easement on the property. That entity makes the formal application to NRCS for FRPP funds. First, the easement-holding entity must determine their own eligibility for the program by contacting the state conservationist. Once that has been done, the entity works with NRCS to apply for funding for a given property.

### **What policies are followed internally in approving projects or analyzing applicants?**

Applications are ranked according to nationally developed criteria, in addition to state-specific criteria. The exact criteria can be found as a link on the state NRCS website (see the “Contact” section below). Ranking is done several times per year at the direction of the State Conservationist. Because funding availability fluctuates annually, funding is not guaranteed even for lands that meet criteria and may rank highly. Resubmissions and re-evaluations if funding becomes available later in the year are both possible.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

Eligibility and ranking are conducted at the state NRCS office.

### **Is a formal contract or agreement required?**

Yes. Cooperative agreements between NRCS and the third-party easement-holding entity are required.

### **What are key terms of agreement that a landowner would need to know?**

FRPP can provide up to 50% of the fair market value of the conservation easement. Landowners retain ownership of the land and the right to use the land for agricultural uses. Permanent easements restrict future development of various kinds on the land. In addition, a conservation plan must be developed and followed to maintain eligibility. Additional terms of easement are developed based on the agreement between the landowner and the easement-holding entity.

### **Who are the essential parties to the agreement?**

NRCS and the easement-holding entity.

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

Species compatible with well-managed agricultural landscapes (grasslands, shrublands, forests, etc.) are likely to benefit from this program. Depending on detail of the conservation plan, riparian areas may also see habitat recovery and protection benefits.

**How does the program benefit landowners?**

- *Monetarily:* Funds from the program are used to pay a portion of the cost of buying the development rights on the property from the landowner.
- *Assurances:* Easements provide long-term protection from conversion of the land to non-agricultural use and perpetual protection from development.

**What are limitations of the program in terms of long-term species conservation?**

FRPP is not specifically a wildlife conservation program, so habitat, wildlife, or other conservation goals must be compatible with continued agricultural use.

## WHERE and WHEN

**What habitats, locations, or other spatial restrictions does the project have?**

To qualify for FRPP funding, the land must meet several requirements. Only privately owned land is eligible. The land must be already “part of a pending offer from a State, tribe, or local farmland protection program.” This means that easement discussions need to already be in progress with a local easement-holding entity. (This could be a local land trust or another entity; local land trusts in Utah are profiled separately in this document.) The land must also be large enough to sustain agricultural production, be accessible to markets for what the land produces, have adequate infrastructure and agricultural support services, and have surrounding parcels of land that can support long-term agricultural production. In addition, it must have a conservation plan for highly erodible land, which is developed through landowner involvement with other USDA programs. In addition, the land must meet at least one of the following three requirements:

- Contain at least 50 percent prime and unique farmland soils and soils of statewide and local importance;
- Contain historic or archeological resources; or
- Contain land that supports the farm and ranch land protection policies of state or local programs.

**Are there standard annual application dates?**

Applications must be submitted by October 1st each year to be considered for funding in the following fiscal year.

**What is the duration of the program?**

Most easements are permanent.

**Can the program handle multi-year commitments?**

Yes. Easements are by definition multi-year (perpetual) commitments.

**Are there other relevant time considerations?**

Easements can be time-consuming to plan, fund, and execute. Landowners should be prepared to be patient.

## Big picture: When is FRPP the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have an active agricultural operation
- Want to prevent conversion of their land to non-agricultural uses
- Are already working toward a conservation easement on their property
- Are willing to manage their land for both conservation and agricultural benefit

*This program is **NOT** a good match for landowners who:*

- Are not an active farmer or rancher
- Want to stop using their land for agricultural purposes
- Do not want permanent restrictions on future development of the property

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Are compatible with well-managed agricultural production
- Relate to maintaining open space

*This program is **NOT** a good match for conservation goals that:*

- Require permanent removal of livestock or other agricultural production
- Address isolated species populations or habitats surrounded by developed land

**Contact:** Jeff Williams, 801-524-4254, [jeff.williams@ut.usda.gov](mailto:jeff.williams@ut.usda.gov)

**Website:** <http://www.ut.nrcs.usda.gov/programs/FRPP/index.html>



# Friends of Alta Easement Program

Friends of Alta (FOA) is a private nonprofit land-trust organization that works to preserve the environs of Alta in the Albion Basin, the Town of Alta and all of the upper basin or headwaters of Little Cottonwood Creek area through acquisition of private lands and placement of conservation easements. The mission of FOA is to protect the environment of Alta, including watershed and wildlife habitat areas; to preserve Alta's unique character and heritage; and to encourage stewardship and sustainability of Alta's environment and community.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Friends of Alta.

### **Who actually administers the program?**

Friends of Alta.

### **Who is eligible to participate in the program?**

Any property owner with undeveloped privately owned land in Albion Basin and Alta may contact FOA to discuss various ways of protecting their property.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Easements (whether on FOA or other private land) are monitored at least annually by FOA staff under the direction/responsibility of the Board of Directors. FOA funds the monitoring visits. Monitoring involves both a review of compliance with the terms of easement and general property condition.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner (FOA or any private landowner) is responsible for management of the property, as well as for all applicable taxes and maintenance of the property. On FOA-owned properties, management actions are funded by FOA.

### **Where does funding for the program come from?**

FOA's annual operating costs, which include monitoring conducted by FOA staff, are funded by donations from individuals, event revenue and fundraising programs. Land transactions including the purchase of land in fee or a conservation easement are funded by FOA's Conservation Fund.

## HOW IT WORKS

FOA places conservation easements on lands purchased in fee or donated to the organization after title has been transferred to FOA. The conservation easements held by FOA preserve the open

space character, watershed values and public benefit of the land in perpetuity. FOA is also interested in working with undeveloped private property owners who are interested in placing conservation easements on the property they own title to, but due to the unique circumstances in Alta this has not been the chosen option for the property owners they have worked with thus far. If a landowner wishes to have FOA place a conservation easement on their property then many of the procedures outlined in the other land trust organizations that are highlighted in this document would be applicable.

**What policies are followed internally in approving projects or analyzing applicants?**

Each individual easement or purchase will be discussed in detail with the landowner and presented to the FOA Board of Directors for consideration of whether it meets the FOA mission and has conservation value that benefits the public.

**Is the program voluntary?**

Yes

**What level of approval is required?**

FOA's Board of Directors must approve each transaction.

**Is a formal contract or agreement required?**

Yes.

**What are key terms of agreement that a landowner would need to know?**

Terms of agreement differ between direct purchase agreements and conservation easements. See other land trust summaries in this document for additional details on the terms of easement or purchase. Both require formal real estate transactions recorded with the County.

**Who are the essential parties to the agreement?**

The landowner and FOA.

## **BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

The program provides permanent protection of habitat from development. Additional benefits to wildlife depend on the needs of the property and terms of easement.

**How does the program benefit landowners?**

- *Monetarily:* Landowners who sell property to FOA receive the monetary value of the property and/or may receive a tax benefit; land owners are encouraged to consult their tax professional. Landowners who put an easement on property that they maintain the title to may receive cash for the placement of a conservation easement, as well as potential tax benefits.
- *Assurances:* The landowner receives assurance that the property will be placed in a conservation easement – therefore managed for conservation values – into perpetuity.

**What are limitations of the program in terms of long-term species conservation?**

The benefit to species and habitat conservation will depend on the terms of the easements held by FOA and the particular conservation values of a given property in Alta.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

FOA works exclusively on undeveloped private lands in Alta and the Albion Basin, in Salt Lake County, Utah.

**Are there standard annual application dates?**

No. Landowners may contact FOA at any time.

**What is the duration of the program?**

Conservation easements, whether on FOA purchases or land owned by others, are permanent.

**Can the program handle multi-year commitments?**

Yes – required.

**Are there other relevant time considerations?**

Easements on private land may take several years to finalize. In the case of fee title purchases of land by FOA, real estate transaction times are the primary determining factor on timing.

**Big picture: When is FOA the right choice?**

**Landowners**

*This program is a **GOOD** match for landowners who:*

- Are interested in a conservation easement on their land in Albion Basin and Alta
- Wish to sell their property in Albion Basin and Alta to a conservation buyer

*This program is **NOT** a good match for landowners who:*

- Own already developed land in the Albion Basin or Alta
- Are seeking project-specific funding

**Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Support general wildlife, watershed, and open space protection in the area

*This program is **NOT** a good match for conservation goals that:*

- Require immediate intervention to conserve a species
- Are focused on a specific project or habitat improvement need
- Are not of interest to the landowner

**Contact:** Jen Clancy: 801.742.9719, or info@friendsofalta.org

**Website:** www.friendsofalta.org

# Forest Legacy Program

The Utah Forest Legacy Program (FLP) is designed to protect and manage, for future generations, environmentally important forest areas that are threatened by conversion to non-forest uses. The program uses conservation easements to achieve this goal.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

The U. S. Forest Service.

### **Who actually administers the program?**

The Utah Division of Forestry, Fire and State Lands.

### **Who is eligible to participate in the program?**

Private landowners whose land is at least partially forested; priority is given to lands which:

- are threatened by future conversion to non-forest uses
- maintain forest sustainability
- protect and enhance water quality and water supplies
- protect wildlife habitat and maintain habitat connectivity for biodiversity
- maintain and restore riparian areas, and
- assist in maintaining the cultural and economic vitality of rural communities

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The FFSL is responsible for monitoring the property every year for compliance with the easement. No funding is provided for monitoring through the Forest Legacy Program (FLP). All monitoring is funded through the FFSL budget.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for implementing management practices; however, no FLP funding is available to pay for management actions.

### **Where does funding for the program come from?**

The Land and Water Conservation Fund, whose funding depends on the federal budget.

## HOW IT WORKS

First the landowner and FFSL go through a prescreening process to determine if the landowner qualifies for the program, and it is worth investing time to fill out the full application. If the landowner meets the basic qualifications for the program, the next step is a full application, which is essentially a proposal explaining why the property is worth conserving. This information is used for ranking the projects. Each year, Utah projects are first ranked at the state level. This is

coordinated by FFSL. The ranking is done by a subcommittee of the Forest Stewardship Coordinating Committee. The top three projects in the state are sent to be ranked nationally. A national ranking process then happens, done by a group of federal and state partners. The number of projects funded, starting with the highest ranked, depends on the budget allocation from congress.

**What policies are followed internally in approving projects or analyzing applicants?**

Conservation easements are used to achieve this goal with priority given to lands which:

- are threatened by future conversion to non-forest uses
- maintain forest sustainability
- protect and enhance water quality and water supplies
- protect wildlife habitat and maintain habitat connectivity for biodiversity
- maintain and restore riparian areas, and
- assist in maintaining the cultural and economic vitality of rural communities

Ranking criteria are used at the state and national level. Those ranking criteria are available online at [http://www.fs.fed.us/spf/coop/library/flp\\_score\\_guide.pdf](http://www.fs.fed.us/spf/coop/library/flp_score_guide.pdf)

**Is the program voluntary?**

Yes.

**What level of approval is required?**

As noted above, projects are reviewed at the state and national levels.

**Is a formal contract or agreement required?**

Yes.

**What are key terms of agreement that a landowner would need to know?**

The program has three stipulations:

- A Forest Stewardship Plan, written together between the landowner and FFSL foresters. Most applicants have an active plan because they are already working with FFSL.
- Annual Monitoring. The landowner must agree to annual monitoring to ensure the terms of easement are being met. This includes access to the property for the FFSL staff members who do the annual monitoring.
- A conservation easement: the legal document required to participate in the program. The terms of the easement vary by property, but usually include stipulations such as no development, no surface mining, no new roads, etc.

**Who are the essential parties to the agreement?**

The FFSL and the landowner. The agreement is a permanent deed restriction on the property, is recorded at the county, and becomes public record.

## BENEFITS and LIMITATIONS

### What benefits does the program provide to species or habitats?

The program provides perpetual protection from conversion to non-forest uses, with a wide range of potential forest habitat and wildlife species benefits depending on the species present and threats to the property mitigated by the restriction on development rights.

### How does the program benefit landowners?

- *Monetarily:* FLP will fund (purchase from the landowner) 75% of the easement value. Other funds can be sought to pay the remaining 25%, but often the landowner donates the remaining value, which may provide tax benefits as well.
- *Assurances:* The program provides no regulatory assurances to the landowner, but is bound by the terms of the agreement, which may provide protections for the land which a landowner could view as a regulatory assurance that development actions will be prohibited on the property.

### What are limitations of the program in terms of long-term species conservation?

The FLP does not provide funding for projects on the property, only an assurance of lack of development as agreed upon in the Conservation Easement. Participation in the Forest Legacy Program often helps the landowner qualify for a number of other cost share programs for conservation.

## WHERE and WHEN

### What habitats, locations, or other spatial restrictions does the project have?

Eligible properties must be in a Forest Legacy Area as identified in the Assessment of Need, which the state defines as required by the USFS. This map can be found as a link on the website for Utah's Forest Legacy Program (see link below).

### Are there standard annual application dates?

Pre-applications are due at the end of February. Full applications are due June 1<sup>st</sup>.

### What is the duration of the program?

Once the easement is in place, the program provides perpetual protection. Getting the easement in place is likely to take at least 3 years from pre-application to recorded easement.

### Can the program handle multi-year commitments?

Yes – required.

### Are there other relevant time considerations?

The U.S. Forest Service requires grants to be closed within 5 years. In other words, once approved for funding and the money is transferred to FFSL, the easement must be finalized and the money transferred to the landowner within 5 years.

## Big picture: When is Forest Legacy the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Are comfortable working with agencies
- Are willing to make a long-term legal commitment to conservation
- Want their property to remain undeveloped into perpetuity
- Are interested in having a Forest Stewardship Plan for their property

*This program is **NOT** a good match for landowners who:*

- Need a fast solution to estate management problems
- Want someone to monitor specific species on their property
- Object to having people monitor compliance with a plan for their property

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Big-picture habitat health
- Connectivity with adjoining habitats or protected areas
- Properties with multiple positive conservation values

*This program is **NOT** a good match for conservation goals that:*

- Intensive or expensive management solutions where costs would have to be borne by the landowner
- Time-sensitive or urgent conservation easement needs. The FLP takes a number of years to complete.

**Contact:** Laura Ault, Forest Legacy Program Coordinator, in Utah Division of Forestry, Fire, and State Lands. 801-538-5540 [lauraault@utah.gov](mailto:lauraault@utah.gov)

**Website:** <http://www.ffsl.utah.gov/forestryassist/legacy/legacy.php>

# Grassland Reserve Program

The Grassland Reserve Program (GRP) offers landowners the opportunity to protect, restore, and enhance grasslands, including rangeland, pastureland, shrubland, and certain other lands. The purpose of GRP is to help landowners and operators protect grazing uses and related conservation values by conserving and restoring grassland resources on eligible private lands through rental contracts and easements. The program emphasizes support for grazing operations, which maintain and improve plant and animal biodiversity and protection from conversion to uses other than grazing.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Natural Resources Conservation Service (NRCS).

### **Who actually administers the program?**

The NRCS (technical assistance, regulatory compliance, and easement administration) and the Farm Service Agency/Commodity Credit Corporation (rental contracts, financial activities).

### **Who is eligible to participate in the program?**

To be eligible for GRP, the applicant must be a person, legal entity, joint operator, or Indian tribe who operates or manages private or tribal lands. The applicant must be in compliance with highly erodible lands and wetland provisions. If an applicant has an average adjusted gross nonfarm income greater than \$1 million, the person or legal entity is not eligible, unless 66.66 percent or more of the average adjusted gross income is attributable to farm income.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The NRCS is responsible for ensuring technical and program compliance. Funding for this comes through NRCS staff positions.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is ultimately responsible for maintaining the terms of the easement or rental agreement, as well as meeting the terms of the required grazing management plan. Beyond the easement payments, cost-sharing opportunities with other NRCS programs are available to enrolled landowners.

### **Where does funding for the program come from?**

The Commodity Credit Corporation, a federally funded entity focused on agricultural stability, including land conservation.



## HOW IT WORKS

A landowner applies for the program through the local FSA or NRCS office. Once eligibility of the landowner and the land has been determined, NRCS works with the landowner to determine the desired terms of the rental or easement. The landowner has several enrollment options: permanent conservation easements or rental agreements. Rental agreements provide an annual payment to the participant for the length of a contract to maintain or restore grassland functions and values. Contract lengths can be 10 years, 15 years, or 20 years. Applications are then ranked for funding approval. If funded, NRCS and the landowner develop a grazing plan (if not already in place) that will guide the terms of the contract.

### **What policies are followed internally in approving projects or analyzing applicants?**

Applications will be ranked and prioritized for funding based on the length of the proposed agreement, overall conservation benefit, and benefits to plant and wildlife biodiversity, and other factors. Lands enrolled in Conservation Reserve Program (CRP) contracts that will expire in the next 12 months will also receive funding priority.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

Eligibility and ranking are conducted at the local field office level. Conservation District boards can review and approve conservation plans and grazing systems associated with easements, but are not involved in financial decision-making.

### **Is a formal contract or agreement required?**

Yes. Easements are required for perpetual agreements; shorter term rental/easement agreements require a contract with NRCS/FSA.

### **What are key terms of agreement that a landowner would need to know?**

Landowners/operators retain ownership of the land and the right to use the land for grazing and other compatible uses. Permanent easements restrict future development of various kinds on the land, within the ability of the landowner to commit to those restrictions. A grazing plan must be developed and followed to maintain eligibility.

### **Who are the essential parties to the agreement?**

NRCS, FSA, and the landowner.

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

Species compatible with well-managed grazed landscapes (grasslands, shrublands, etc.) are likely to benefit from this program. Depending on detail of the grazing management plan, riparian areas may also see habitat recovery benefits.

**How does the program benefit landowners?**

- *Monetarily:* Landowners are paid directly, either as purchase for the perpetual easement rights, or as an annual rental payment for the duration of the contract.
- *Assurances:* Easements provide long-term protection from conversion of the land to non-grazing uses; shorter-term contract provide that protection for the contract term.

**What are limitations of the program in terms of long-term species conservation?**

Conservation goals must be compatible with continued, well-managed grazing use of the enrolled land, which may include rest/rotation or improved livestock distribution. Benefits will depend on the specific terms of the plan, and the degree to which the landowner or producer embraces the plan.

**WHERE and WHEN****What habitats, locations, or other spatial restrictions does the project have?**

The land must be under the threat of conversion to other uses other than grazing, and must have plant and wildlife biodiversity. The land must be grassland, including rangeland, pastureland (including improved rangeland and pastureland), shrubland and other lands. Incidental lands may be included in a GRP application to allow for the efficient administration of an agreement or easement. Land is not eligible for GRP if it is already protected under an existing CRP contract, easement or deed restriction, or if the land is in ownership by any entity whose purpose is to protect and conserve grassland and related conservation values.

**Are there standard annual application dates?**

Landowners may apply at any time, but, applications must be submitted by October 1st each year to be considered for funding in the following fiscal year.

**What is the duration of the program?**

Easements are permanent; rental agreements can be for 10-, 15-, or 20-year periods.

**Can the program handle multi-year commitments?**

Yes – required.

**Are there other relevant time considerations?**

Permanent easements often take several years to finalize. Rental contracts may be a more expedient form of involvement in the program.

## Big picture: When is GRP the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have an active grazing operation
- Want to prevent conversion of their land to non-grazing uses
- Need or want to receive a financial benefit from conservation activities
- Are willing to change grazing management to benefit species diversity

*This program is **NOT** a good match for landowners who:*

- Already have their land in easement or other protection

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Are compatible with well-managed grazing and pasture management
- Focus on grassland, shrubland, or other suites of species in grazed areas
- Address threats to species or habitats resulting from poorly managed grazing

*This program is **NOT** a good match for conservation goals that:*

- Require permanent removal of livestock
- Focus on land not under threat from conversion to uses other than grazing

**Contact:** Apply at the USDA Service Center (FSA/NRCS office) in the county where the lands are located. For additional information, contact Jeff Williams, 801-524-4254, [jeff.williams@ut.usda.gov](mailto:jeff.williams@ut.usda.gov); or Chet Fitzgerald, NRCS Program Specialist, (801) 629-0580 x12, [Chet.Fitzgerald@ut.usda.gov](mailto:Chet.Fitzgerald@ut.usda.gov)

**Website:** <http://www.ut.nrcs.usda.gov/programs/GRP/index.html>

# Ogden Valley Land Trust Conservation Easement Program

The Ogden Valley Land Trust (OVLT) is a nonprofit organization based in Weber County, Utah. It receives and protects charitable donations of conservation easements on properties that have conservation value, such as easements on property that contains endangered, threatened, or ecologically significant species, or natural systems. Properties that contribute to wildlife habitat or migration corridors, have unique ecosystems or natural features, have significant agricultural or forestry resources, or are adjacent to other already preserved lands are also seen as having conservation value. In addition, properties that have open space, recreational, historical or cultural values are eligible.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

The Ogden Valley Land Trust is managed by the Ogden Valley Land Trust Board.

### **Who actually administers the program?**

In addition to managing the land trust, the board is also responsible for full administration of the organization and its programs with assistance from state agencies interested in conservation, and from legal counsel.

### **Who is eligible to participate in the program?**

Any landowner(s) interested in conservation, including farmers, ranchers, developers, foundations, and/or government entities with properties located within the state of Utah.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The OVLT visits properties with easements annually, or more often as needed. When a property owner donates a conservation easement on their property to the OVLT, a fee, based on a formula that projects anticipated administrative and enforcement costs, is required as part of the negotiations in accepting the conservation easement. These fees are paid by the donor.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for management of their private property, as well as for all taxes and maintenance of the property. The OVLT does not provide funding for private management, but may direct landowners to state and federal programs that may provide funding or general assistance.

### **Where does funding for the program come from?**

The OVLT depends on donations from individuals and businesses, as well as grants from private foundations, and state and federal programs and agencies.

## HOW IT WORKS

1. Landowner contacts the Ogden Valley Land Trust (OVLТ).
2. Landowner and a member(s) of the OVLТ Board visit the property.
3. Ensuing discussions cover: characteristics of the land, landowner's goals for the property, which conservation value(s) the landowner wants to protect, the OVLТ's and landowner's stewardship responsibilities, whether property fits the land trust's mission, whether property meets IRS requirements if a tax benefit is desired, and the amount of the projected administrative and stewardship fee.
4. OVLТ prepares a draft easement. Landowner may want to hire an attorney to review.
5. If landowner has any mortgages or liens on the property to be eased, these must be subordinated to the easement by legal contract by the current primary lien holder.
6. Land trust conducts/requires a certified title search.
7. OVLТ and landowner assemble maps and/or survey of eased property, and identify any building envelopes for any current or future reserved building sites or rights. Landowner may be asked to pay for any necessary survey or maps.
8. Landowner hires appraiser and gets appraisal no more than 60 days before easement donation.
9. OVLТ prepares a Baseline Documentation Report (BDR) that includes comprehensive photographs, maps, and a narrative describing property condition at the time of the easement donation, including ecological conditions, and description of areas reserved for current or future building or other rights, if any.
10. To finalize the paperwork, the landowner reviews BDR for accuracy, signs and notarizes it. Both OVLТ and the landowner sign and notarize final conservation easement, which is recorded with the County.
11. OVLТ begins annual stewardship visits to property.

### **What policies are followed internally in approving projects or analyzing applicants?**

The OVLТ has easement criteria that it follows in determining if a proposed easement qualifies for adoption by the land trust. First, it determines whether or not the proposed easement meets federal and Utah guidelines for conservation easements. If the proposed easement meets these federal and state guidelines, the OVLТ evaluates the proposed property to determine if:

- The property has significant resources that can be protected even if adjacent property is developed;
- The property is of sufficient size so that its conservation resources are likely to remain intact even if adjacent properties are developed;
- The conservation resources for which the lands are being preserved are currently in a condition that will insure the long-term viability of those conservation resources;
- The easement would be difficult to enforce or would require extensive management;
- The property owner insists on provisions in the easement that the OVLТ believes would seriously diminish the property's primary conservation values or its ability to enforce the easement.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

The OVLT Board has the sole discretion to accept conservation easements.

**Is a formal contract or agreement required?**

Yes. Two documents are required. The OVLT requires a Baseline Documentation Report, which includes comprehensive photographs, maps, and a narrative describing property condition at the time of the easement donation, including ecological conditions, and description of areas reserved for current or future building or other rights, if any. The final easement, signed by all parties, is recorded at the county recorder's office. This document identifies and describes the land subject to the conservation easement, specifies the purpose for which the easement is created, and includes a statement that the easement continues in perpetuity.

**What are key terms of agreement that a landowner would need to know?**

The landowner should understand that the OVLT accepts only permanent conservation easements. This easement outlines how the property may be used in perpetuity. Working together, the landowner and the OVLT negotiate this agreement. Due to the legal ramifications of perpetual conservation easements, the OVLT suggests that property owners seek professional counsel with expertise in estate planning, and/or IRS codes for conservation easements. Property owners may also be required to provide a legal survey of the property, and will have to submit a stewardship and administrative fee to the OVLT before an easement is accepted by the trust.

**Who are the essential parties to the agreement?**

The landowner(s) and the Ogden Valley Land Trust.

**BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

Depending on the specific goals of the easement and what it is trying to protect, the program may provide permanent protection of habitat from development or other uses that may threaten such habitat and the wildlife species it hosts. Annual (or more frequent) on-site monitoring can help identify possible threats or concerns that need to be addressed.

**How does the program benefit landowners?**

- *Monetarily:* While retaining ownership and usually the traditional uses of their property, landowner may also receive substantial tax advantages for the charitable gift of the easement. In some cases, these tax benefits can be carried over for several years.
- *Assurances:* Landowners know that their wishes and desires for their property will be carried out in perpetuity. In many cases, the only way to keep property in the family is by placing a conservation easement on it.

**What are limitations of the program in terms of long-term species conservation?**

Not all conservation easements are crafted to specifically protect wildlife habitat. In some cases, the conservation value that an easement protects may focus on historical or cultural assets, such as historic buildings or facades, or agricultural property or farmland. An easement's main focus on property that protects prime recreational property may be on the recreational value versus species protection.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

The OVLT is legally able to accept easements throughout the state of Utah, though its primary focus has been to pursue easements within Ogden Valley.

**Are there standard annual application dates?**

No; property owners may contact the OVLT at any time.

**What is the duration of the program?**

All OVLT conservation easements are perpetual, running in perpetuity. In the remote chance that the OVLT ceased to exist, federal law requires that the easement be transferred to another legal entity qualified to hold and enforce conservation easements.

**Can the program handle multi-year commitments?**

Yes, this is a mandate of all OVLT easements, since all run in perpetuity.

**Are there other relevant time considerations?**

It is important to keep in mind that the process of adopting an easement may take several months. It is important to keep this in mind when desiring a conservation easement on portions of property that are an integral part of an estate plan.

## Big Picture: When is the OVLT the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Cherish open space, their cultural heritage, wildlife and wildlife habitat, view and river corridors, wetlands and watersheds, agricultural and farm lands, and prime outdoor recreational properties and would like to see these values protected in perpetuity.
- Want to continue multi-generational commitments to specific parcels of land.
- Are interested in improving wildlife habitat or other natural resources long-term.
- Are willing to reduce the resale value of their property in exchange for permanent protection from development or loss of these values.
- Are interested in possibly receiving a tax benefit for donating an easement—a public good that results from the perpetual conservation of valuable resources.

*This program is **NOT** a good match for landowners who:*

- Wish either now or in the future to maximize the dollar value of their property.
- Have land that lacks conservation values.
- Are seeking project-specific funding.

### **Conservation Goals**

*This program is a good match for conservation goals that focus on:*

- Long-term conservation of wildlife habitat and open spaces, or buildings with historical value.
- Reducing threats related to the development or sale of critical lands.

*This program is **NOT** a good match for conservation goals that:*

- Require immediate intervention to conserve a species.
- Are not of interest to the landowner.

**Contact:** Call 801-745-9246, 801-745-2688, or 801-745-3660, or any current board OVLT member.

**Website:** [www.OgdenValleyLandTrust.org](http://www.OgdenValleyLandTrust.org)



# Summit County Land Committees

There are two Land Committees in Summit County Utah that support preservation of open space, agricultural, and wildlife habitat values in Summit County. The Eastern Summit County Agricultural Preservation/Open Space Committee (ESAP) advises the Summit County Manager regarding the identification and preservation of agriculture land and open space within Eastern Summit County. The Basin Open Space Advisory Council (BOSAC) also advises the county, in addition to managing revenue from a bond measure to fund open space in Summit County. Both boards are affiliated to some degree with the Summit County Planning Office and County Manager's Office.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

For ESAP: Community Development Department & Manager's Office.

For BOSAC: Community Development Department, County Manager's Office, and the Snyderville Basin Special Recreation District.

### **Who actually administers the program?**

Both ESAP and BOSAC are coordinating committees only; however, committee members in BOSAC & ESAP volunteer time to assist with program administration. County planning staff and sustainability coordinator staff primarily help administer the committees' work.

### **Who is eligible to participate in the program?**

Landowners with property in Summit County, Utah.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The ESAP, through Summit County, only provides funding toward projects working with a certified land trust that will ensure ongoing monitoring and enforcement of the easement. Bond funds recommended by BOSAC can only go towards the purchase price of land or an easement and cannot go towards monitoring. The easement holder is responsible for any monitoring.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for implementing and funding – or finding funds for – all long-term management on the property. ESAP and BOSAC committee members may be able to provide referrals to other programs that can assist landowners with preservation or agriculturally-related management goals.

### **Where does funding for the program come from?**

In the case of BOSAC, a bond measure was passed in the Snyderville Basin that provides funding for the purchase of open spaces. BOSAC is the recommending body and the County and Recreation District administers that fund. ESAP's funding structure is based on fees collected

from lot sales at the Promontory Development. These funds are currently not supported by county tax dollars.

## **HOW IT WORKS**

Both ESAP and BOSAC help coordinate and fund conservation easements and other open space preservation opportunities. ESAP is a recommending body to the Summit County Manager, which may then contribute funding to a conservation easement. BOSAC is also a recommending body to the Summit County Manager and contributes funds to conservation easements represented by a certified land trust, but also purchases the fee title of properties. Summit County or the Snyderville Basin Recreation District can be an easement holder.

### **What policies are followed internally in approving projects or analyzing applicants?**

Both ESAP and BOSAC have evaluation criteria which will be taken into account when any parcel is considered for easement. These include, but are not limited to: the contribution of the property to viewsheds, public recreational opportunities, and wildlife or agricultural values; as well as the cost effectiveness of the potential public benefit and less tangible values such as the potential contribution to “the Basin’s ‘mountain resort’ ambience, backcountry qualities, historic fabric, and/or cultural heritage” (BOSAC) and the “rural, small town, agricultural character and open space of Eastern Summit County” (ESAP). In addition, BOSAC requires public access or some type of recreational component.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

Both committees make recommendations to the County Council for how county (in the case of BOSAC) or private funds should be used to acquire or manage open space in the county. For ESAP, a recommendation is presented to the County Manager for the allocation of funds. For BOSAC, a recommendation is made to the County Manager and Recreation District. In the case of using only bond funds, the ultimate decision is made by the County Council.

### **Is a formal contract or agreement required?**

Not with ESAP or BOSAC; however, both committees would require that a conservation easement be signed or the fee title of the property purchased.

### **What are key terms of agreement that a landowner would need to know?**

N/A

### **Who are the essential parties to the agreement?**

N/A

## BENEFITS and LIMITATIONS

### What benefits does the program provide to species or habitats?

Any long-term land preservation strategy, whether fee title or easement, provides an opportunity to maintain habitat on private lands and prevent development into perpetuity. The value of any management actions taken on the property will depend on the interest level and funding available to the landowner, and will vary with each situation. The value to any specific species or habitat will depend on the threats development of the property might have posed, and the condition of the habitat or populations on the property.

### How does the program benefit landowners?

- *Monetarily:* Landowners may be able to sell development rights on their land to Summit County for tax benefit or direct payments, depending on the situation. Placing an easement on the property may lower the resale value of the land and allow land to stay in a family and in open space.
- *Assurances:* With an easement, land is protected from development into perpetuity.

### What are limitations of the program in terms of long-term species conservation?

Beyond the removal of the threat of development or property subdivision, long-term conservation benefits are largely determined by the willingness of the landowner to maintain the property for specific conservation values.

## WHERE and WHEN

### What habitats, locations, or other spatial restrictions does the project have?

ESAP only functions in eastern Summit County (property beginning at the Promontory development and including Tollgate). The BOSAC funds projects only in the Snyderville Basin (the area to the west of Promontory and Tollgate).

### Are there standard annual application dates?

No. ESAP and BOSAC accept inquiries at anytime.

### What is the duration of the program?

Easements coordinated through ESAP or BOSAC are real estate transactions intended to last into perpetuity.

### Can the program handle multi-year commitments?

Yes.

### Are there other relevant time considerations?

Easements and other open-space preservation programs may take multiple years to finalize.

## Big picture: When is ESAP or BOSAC the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Own land in Summit County with wildlife, agricultural, or open space value to the public
- Are looking for permanent land protection for their property
- Need information on easement or open space preservation opportunities
- Are interested in preserving wildlife, open space, or agricultural values on their land in exchange for giving up development rights

*This program is **NOT** a good match for landowners who:*

- Are planning to sell their land for development
- Are uncomfortable allowing access to their land for easement terms compliance monitoring
- Have land with significant conservation concerns that needs to be rehabilitated

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require preservation of large tracts of continuous or intact habitat into perpetuity
- Involve land with current conservation, wildlife, or open space values
- Are focused on large-scale habitat preservation efforts
- Are focused on connections between open spaces and wildlife migration corridors (BOSAC specifically)

*This program is **NOT** a good match for conservation goals that:*

- Need immediate action to address urgent conservation problems on private land
- Require short-term or guaranteed habitat rehabilitation work
- Need extensive species or habitat monitoring

**Contact:** (BOSAC) Ashley Koehler, Summit County Sustainability Coordinator: 435-336-3128  
(ESAP) Susan Ovard, Community Development Project Manager: 435-336-3025

**Website:** <http://www.summitcounty.org/council/esap.php>  
<http://www.summitcounty.org/sustainability/environment.php>

# Summit Land Conservancy Easement Program

Summit Land Conservancy, a nonprofit organization based in Summit County, Utah, works with willing landowners to permanently preserve the remaining open spaces, view-sheds, recreation lands, wildlife habitat, wetlands, and farms and ranches of Summit County.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Summit Land Conservancy (“The Conservancy”).

### **Who actually administers the program?**

Summit Land Conservancy.

### **Who is eligible to participate in the program?**

Landowners, including farmers, ranchers, developers, and government entities in Summit County, are eligible.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Conservancy staff monitors each conservation easement at least once each year. The Conservancy raises money (sometimes through donations from the landowner) for the permanent stewardship and legal defense of each easement prior to accepting the easement.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for management of the property, as well as for all taxes and maintenance of the property. The Conservancy does not provide funding for management, but may direct the landowner to state and federal programs that do.

### **Where does funding for the program come from?**

As a nonprofit organization, the Conservancy and its conservation programs are funded by donations from individuals, grants from private foundations, and state and federal programs and agencies.

## HOW IT WORKS

- Summit Land Conservancy is either contacted by a landowner, or contacts the landowner itself.
- The property is reviewed by Conservancy staff and the landowner’s goals are discussed. If the staff feels that there are conservation values on the property, and that funding will be available, then the Board of Trustees is asked to give preliminary approval for the project.
- If the Board of Trustees approves the project, the Conservancy and the landowner sign a letter of intent that outlines the estimated scope, costs, and values to be protected by the transaction.

- Appraisal of the property.
- The staff carries out due diligence, including preparing the baseline document, which catalogues the conservation values, reviewing the title, commissioning surveys and other studies as necessary and at the same time, begins writing grants and fundraising for the project. Fundraising includes money to purchase the easement in a “bargain sale” (i.e. for less than appraised value), money to cover the Conservancy’s transaction costs (including in-house costs, attorney’s fees, etc.), and funds to be set aside for stewardship and legal defense.
- After the appraisal a purchase agreement is signed between the landowner and the Conservancy. Again, the Conservancy’s Board of Trustees must give approval.
- The Conservancy and the landowner negotiate the terms of the conservation easement. Funding sources often have stipulations that must be included in this document. The Conservancy’s Board of Trustees must approve each conservation easement.
- When funding comes through, the transaction is closed like other real estate transactions, with the help of a title company and attorneys.

**What policies are followed internally in approving projects or analyzing applicants?**

The Conservancy has a Criteria Checklist that filters all proposed projects. The Conservancy also follows a Project Process Checklist and a Baseline Document Checklist in assembling the necessary information for the process.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

The Conservancy’s Board of Trustees gives initial approval, approval at the time of the Letter of Intent, at the time of the Purchase Agreement, and again of the easement document.

**Is a formal contract or agreement required?**

Yes, several: Letter of Intent, Purchase Agreement, Conservation Easement.

**What are key terms of agreement that a landowner would need to know?**

The landowner should understand that the Conservancy accepts ONLY permanent conservation easements. This document outlines how the property may be used forever. The landowner and the Conservancy together negotiate this agreement. Due to the nature of these agreements, the Conservancy asks all landowners to seek professional counsel, estate planning, and advice from CPA’s who have a firm understanding of the IRS codes for conservation easements. Landowners also need to be willing to make a donation of some of the value of the property, as funding sources like to see landowners reduce the price of the easement by 25-40%. Landowners will also need to spend money on attorneys, CPAs, for surveys and appraisals.

**Who are the essential parties to the agreement?**

The landowner, the Conservancy, and funding sources.

## BENEFITS and LIMITATIONS

### What benefits does the program provide to species or habitats?

The program provides permanent protection of habitat from development. On-site monitoring at least once each year (sometimes more often) can help identify concerns and needed management.

### How does the program benefit landowners?

- *Monetarily:* Landowners may receive cash for their conservation easement, while retaining ownership and usually the traditional uses of their property. Landowners may also receive substantial tax advantages.
- *Assurances:* The landowner knows that his or her wishes will be carried out on the property forever. In many cases, the only way to keep property in the family is by placing a conservation easement on it.

### What are limitations of the program in terms of long-term species conservation?

Not all conservation easements are crafted to protect wildlife habitat. In some cases, the conservation values that the easement protects may actually conflict with wildlife habitat. For example, a number of conservation easements around the town of Park City protect recreational uses and access, but do NOT protect wildlife habitat. People on skis or bikes with dogs may degrade wildlife habitat. In this case, the easement may not protect the wildlife.

## WHERE and WHEN

### What habitats, locations, or other spatial restrictions does the project have?

The Summit Land Conservancy works only in Summit County – or along its immediate borders.

### Are there standard annual application dates?

Landowners may contact the Conservancy at any time.

### What is the duration of the program?

All of the Summit Land Conservancy's conservation easements are permanent.

### Can the program handle multi-year commitments?

Yes – required.

### Are there other relevant time considerations?

Sometimes funding sources are several years ahead of themselves, so the process of raising the necessary money can take 2-5 years.

## Big picture: When is SLC the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Cherish their rural heritage and love their land and the species that share it
- Want to continue multi-generational commitments to specific parcels of land
- Are interested in improving wildlife habitat or other natural resources long-term
- Are willing to reduce the resale value of their property in exchange for permanent protection from development

*This program is **NOT** a good match for landowners who:*

- Wish either now or in the future to maximize the dollar value of their property
- Have land that lacks conservation or wildlife values
- Are seeking project-specific funding

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Include long-term protection in Summit County
- Require private land to be managed for at least minimal conservation values
- Involve reducing threat of development or sale to non-conservation owners of a particular parcel of land in Summit County

*This program is **NOT** a good match for conservation goals that:*

- Require immediate intervention to conserve a species
- Are focused on a specific project or habitat improvement need
- Are not of interest to the landowner

**Contact:** Greg Peters: 435-649-0220, or [greg@summitlandconservancy.org](mailto:greg@summitlandconservancy.org)

**Website:** [www.summitlandconservancy.org](http://www.summitlandconservancy.org)



# The Nature Conservancy: Easement Program

The Nature Conservancy's (TNC) private lands and land interests acquisition programs include easement acquisition and outright purchase. Both options provide opportunities for private lands to be conserved into perpetuity, and managed for conservation interests. The primary goal is to preserve the conservation values of private property through acquisition of the land itself, or of the development rights on that land. As part of TNC's involvement with acquired land interests, the organization has a suite of planning and management tools to assist with conservation efforts.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

The Nature Conservancy (TNC).

### **Who actually administers the program?**

TNC.

### **Who is eligible to participate in the program?**

Landowners, other nonprofit entities, and government agencies are among those eligible to participate. Land interest acquisition is based on the properties of the land, not the owners.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

TNC manages monitoring, which is funded through private fundraising efforts.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

TNC is responsible for long-term management of easements and properties owned outright unless that role is transferred to another nonprofit entity or government agency. Long-term management is funded through private fundraising efforts. Management is informed by a suite of conservation planning tools developed by TNC and available to any interested wildlife managers and landowners.

### **Where does funding for the program come from?**

Multiple private and public sources fund easement and land acquisitions.

## HOW IT WORKS

TNC negotiates the purchase of the land interest (outright purchase or easement) through an Option Agreement, seeks funding, and then completes the purchase. In cases where TNC only holds an easement, negotiations with the landowner determine the final terms of the easement and the exact role of TNC in management. TNC manages the land interest for the preservation of the key targets, utilizing a variety of land conservation tools. These tools include habitat restoration, water management, control of invasive species, fire management, and others.

**What policies are followed internally in approving projects or analyzing applicants?**

The property must be included in TNC’s Ecoregional Plans, which has identified areas of critical importance. If a property has been identified within the Ecoregional Plan then the Regional Director for that area presents the potential project to conservation staff for recommendations. If the Regional Director decides to continue with the project, then it is presented to the State Director for approval. Then, depending on the purchase price, the project may need further approval.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

Depending upon the purchase price, the project may need approval from the TNC State Director, Division Director, President, or National Board of Governors.

**Is a formal contract or agreement required?**

Yes.

**What are key terms of agreement that a landowner would need to know?**

The landowner deeds either development rights or the land in its entirety to TNC. The transaction is a standard real estate transaction involving agreement on purchase price, length of the Option Agreement, and conditions of the Option.

**Who are the essential parties to the agreement?**

TNC, landowner, and any funding partners if other than TNC.

**BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

Easements and outright acquisition by TNC provide long-term benefits to species. Habitats can be kept intact, reducing or preventing future fragmentation. Properties acquired completely by TNC will be managed for wildlife and other conservation values. Easements provide opportunities for private landowners to do the same.

**How does the program benefit landowners?**

- *Monetarily:* The transfer of easement rights may result in payments to the landowner for the value of the easement, tax benefits, or in some cases, both.
- *Assurances:* Transfer of either development rights or fee title to a property to TNC provides the landowner with the assurance that the land will remain undeveloped.

**What are limitations of the program in terms of long-term species conservation?**

Because of cost and the limited availability of funds, the program is limited to only the highest priority sites. Where lands or development rights are acquired, however, the land will be managed in perpetuity specifically for wildlife and other conservation values.

## WHERE and WHEN

### What habitats, locations, or other spatial restrictions does the project have?

The project area must be identified in TNC's Ecoregional Plans or its strategic plan.

### Are there standard annual application dates?

No. TNC will initiate discussions about purchases and easements at any time.

### What is the duration of the program?

In perpetuity.

### Can the program handle multi-year commitments?

Yes – required.

### Are there other relevant time considerations?

The Nature Conservancy prefers to sign 1-2 year Option Agreements to allow enough time to fundraise for the total cost of the project (purchase price, acquisition expenses, endowment for on-going management). Easements may take several additional years to finalize.

## Big picture: When is a TNC Easement the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Want to protect their property for conservation values into perpetuity
- Are considering selling their land but want to maintain its conservation values
- Prefer to work with a private nonprofit organization to establish an easement
- May be looking to purchase land for conservation purposes.

*This program is **NOT** a good match for landowners who:*

- Are not interested in permanently giving up development rights on their property

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Need long-term habitat protection in areas identified in TNC's strategies

*This program is **NOT** a good match for conservation goals that:*

- Require rapid action to address immediate conservation needs

**Contact:** Kara Butterfield, (801) 238-2335 or [kbutterfield@tnc.org](mailto:kbutterfield@tnc.org)

**Website:** <http://www.nature.org/aboutus/privatelandscconservation/index.htm>

# Utah Open Lands Easement Program

Utah Open Lands (UOL) is a nonprofit land trust conservation association. Our mission is to preserve and protect open space in order to maintain Utah's natural heritage and quality of life for present and future generations. This is achieved by assisting private landowners, government agencies and communities in the voluntary preservation of the agricultural, scenic, recreational, historic and wildlife values of open land.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Utah Open Lands.

### **Who actually administers the program?**

Utah Open Lands.

### **Who is eligible to participate in the program?**

Any private landowner in Utah may approach UOL to discuss easement options.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

UOL monitors for compliance with the terms of the agreement as part of their commitment to holding the easement. UOL is not obligated to conduct specific species or habitat monitoring beyond the terms outlined in the easement; however, they may be able to assist in finding partnerships to facilitate such work.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for conducting and funding all management on the property.

### **Where does funding for the program come from?**

Funding to purchase easements often comes from a variety of sources and may include private donors, donations by the landowner of at least part of the value of the easement, county funds, state of Utah funds, or federal funds.

## HOW IT WORKS

A landowner approaches – or is referred to – UOL to discuss easement options. UOL will work with the landowner to evaluate the property for conservation values and discuss the easement process and requirements to ensure that all parties are comfortable with the terms. If it is determined that the easement is of sufficient conservation value to move forward, UOL works with the landowner to secure funding for the easement and manage the real estate transaction. This process often takes multiple years to complete. All land and easement projects are individually planned so that

the property's important conservation values are identified and protected. This involves working closely with the landowner to include their goals for the property now and into the future.

**What policies are followed internally in approving projects or analyzing applicants?**

UOL considers all easements at the outset. Successful easements are those which have value for wildlife, open space preservation, and general public benefit. Not all easements proposals are accepted. Each situation is examined carefully to ensure that the value of the land/easement justifies involvement, and provides benefit to wildlife, open lands, and communities. Easements also must meet federal guidelines, and be feasible to manage. Other considerations, such as whether the property contributes to a larger network of connected conservation properties, may influence the ability of UOL to take on and manage an easement. The ability of the landowner to donate land versus needing payment may also influence the speed with which an easement can be obtained. Additional requirements can be found on Utah Open Lands' website, in the downloadable Landowner Packet.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

The Board of Directors of UOL reviews and approves all easements.

**Is a formal contract or agreement required?**

Yes. The Deed of Conservation Easement is a formal real estate transaction involving the transfer of development rights from the landowner to the easement holder.

**What are key terms of agreement that a landowner would need to know?**

Easements generally prohibit subdivision and building on the land. The terms of the easement are recorded as a permanent attribute of the property, and transfer to any subsequent owners.

## **BENEFITS and LIMITATIONS**

**Who are the essential parties to the agreement?**

The landowner and Utah Open Lands.

**What benefits does the program provide to species or habitats?**

Easements ensure that the land in question will not be subdivided or developed, allowing for long-term habitat and species continuity on the land.

**How does the program benefit landowners?**

- *Monetarily:* Landowners may receive tax benefits or direct payments for the value of the easement, depending on the terms of the easement.
- *Assurances:* The property is protected from development into perpetuity.

**What are limitations of the program in terms of long-term species conservation?**

Although an easement guarantees that the land will not be subdivided or developed, it is still the responsibility of the landowner to maintain the habitat values of the property; for example, by managing noxious weeds. Some terms may be written into the easement but all important habitat and species protection measures are not likely to be included, as the easement is focused more on what is prevented (development), and will not generally include required management actions for long-term species protection for any particular habitat or species.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

UOL only handles easements in the state of Utah. All habitat types and locations will be considered. Any private land may be considered initially, but accepted easements may need to fit certain criteria based on donor interest, competing priorities for funding, or other factors unique to the situation.

**Are there standard annual application dates?**

No. Landowners may approach UOL at any time.

**What is the duration of the program?**

Easements protect the land from development into perpetuity.

**Can the program handle multi-year commitments?**

Yes – required.

**Are there other relevant time considerations?**

Easement transactions are complicated and often take multiple years to finalize.

## Big picture: When is a UOL Easement the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Want to maintain the conservation values of their property beyond the life of their ownership of it
- Are interested in preventing subdivision or development of their property in the future
- Are willing to work closely with Utah Open Lands to determine the conservation and other values of their property

*This program is **NOT** a good match for landowners who:*

- Are seeking only short-term conservation benefits
- Plan to sell their property for maximum profit
- Are uncomfortable having a public record of their conservation actions
- Are uncomfortable allowing access to an easement holder for annual monitoring

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Include long-term habitat protection
- Require private land to be managed for at least minimal conservation values
- Involve reducing threat of development or sale to non-conservation owners

*This program is **NOT** a good match for conservation goals that:*

- Require immediate intervention to conserve a species
- Are focused on a specific project or habitat improvement need
- Are not of interest to the landowner

**Contact:** Wendy Fisher, [Wendy@utahopenlands.org](mailto:Wendy@utahopenlands.org) 801.463.6156

**Website:** [www.utahopenlands.org](http://www.utahopenlands.org)

# Virgin River Land Preservation Association

## Easement Program

The Virgin River Land Preservation Association (VRLPA) is a nonprofit land trust conservation association that works with communities and landowners to protect southwestern Utah's heritage of scenic beauty, open lands, and quality of life.

### WHO IS INVOLVED

**Who is the lead agency or organization?**

Virgin River Land Preservation Association.

**Who actually administers the program?**

Virgin River Land Preservation Association.

**Who is eligible to participate in the program?**

Any private landowner is eligible.

**Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

VRLPA monitors their conservation easements annually, or more frequently if necessary. Prior to recording conservation easements, VRLPA seeks to secure funding resources to support monitoring and the legal defense of the agreement in perpetuity.

**Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for long term management, taxes, and maintenance of the property. VRLPA does not provide funding for management, but may direct the landowner to state and federal programs that do.

**Where does funding for the program come from?**

VRLPA's conservation easement program is funded by donations from individuals, grants from private foundations, and state and federal programs and agencies. Donations by the landowner of at least part of the value of the easement are greatly appreciated and help secure funding from other sources.

### HOW IT WORKS

Discussions about potential conservation easements may be initiated by the landowner or by VRLPA. If the landowner is interested in placing a conservation easement on their land and VRLPA determines that the property has sufficient conservation value, VRLPA will work with the landowner to structure the project. There are many steps involved and it can easily take more than two years to complete a conservation easement transaction. Each one is unique and individually



planned to protect the conservation values of the land while incorporating the landowner's goals for the property. If the easement is to be purchased, additional steps are necessary to establish the appraised value of the property, enter into a purchase agreement, and raise the funding necessary to complete the acquisition.

**What policies are followed internally in approving projects or analyzing applicants?**

VRLPA uses a list of criteria to objectively evaluate and rank potential projects, and considers any obstacles which might impact the feasibility or appropriateness of a permanent conservation easement. Successful easements are those which have conservation values recognized by local communities and the state or federal government as providing a public benefit. This includes values such as wildlife habitat, agricultural land preservation, public recreation access, scenic open space preservation, or historical significance. Not all easements proposals are accepted. Each is examined carefully to ensure that there is adequate public benefit generated by the creation of the easement. Easements also must be financially feasible over time with a reasonably low risk of costly violations of the terms of the agreement.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

The Board of Trustees of VRLPA reviews and approves all easements.

**Is a formal contract or agreement required?**

Yes. The Deed of Conservation Easement is a formal real estate transaction recorded in the official records of the county where the property is located.

**What are key terms of agreement that a landowner would need to know?**

Easements terms are carefully tailored to meet the conservation goals of the specific property. They generally prohibit subdivision of the land, and will prohibit other activities mutually agreed upon by the landowner and the land trust as harming the conservation values of the property. Activities that are consistent with the conservation values are explicitly listed as permitted uses of the land. All the terms of the agreement are negotiated and discussed with the landowner, and landowners are expected to secure their own independent legal review prior to finalizing the terms of the conservation easement. This is especially important because conservation easements create permanent restrictions of the uses of the property which transfer to any subsequent owners.

**Who are the essential parties to the agreement?**

The landowner and the Virgin River Land Preservation Association.

## **BENEFITS and LIMITATIONS**

### **What benefits does the program provide to species or habitats?**

Easements can permanently protect open lands that provide critical habitat to wildlife species.

### **How does the program benefit landowners?**

- *Monetarily:* Landowners may receive cash for their conservation easement, while retaining ownership and usually the traditional uses of their property. Landowners may also receive substantial tax advantages.
- *Assurances:* The terms of the conservation easement are protected in perpetuity.

### **What are limitations of the program in terms of long-term species conservation?**

Conservation easements can protect habitat by restricting development, but actual management of habitat or protection of species is not a part of the agreement.

## **WHERE and WHEN**

### **What habitats, locations, or other spatial restrictions does the project have?**

VRLPA only holds easements in southwestern Utah. All habitat types and locations will be considered. Any private land may be considered initially, but accepted easements may need to fit certain criteria based on donor interest, competing priorities for funding, or other factors unique to the situation.

### **Are there standard annual application dates?**

No. Landowners may approach Virgin River Land Preservation Association at any time.

### **What is the duration of the program?**

Easements protect land in perpetuity.

### **Can the program handle multi-year commitments?**

Yes – required.

### **Are there other relevant time considerations?**

Easement transactions are complicated and often take multiple years to finalize.

## Big picture: When is a VRLPA Easement the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Want to maintain the conservation values of their property beyond the life of their ownership of it
- Are interested in preventing subdivision or development of their property in the future
- Are willing to work closely with Virgin River Land Preservation Association to determine the conservation and other values of their property

*This program is **NOT** a good match for landowners who:*

- Are seeking only short-term conservation benefits
- Plan to sell their property for maximum profit
- Are uncomfortable having a public record of their conservation actions
- Are uncomfortable allowing access to an easement holder for annual monitoring

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Include long-term habitat protection
- Require private land to be managed for at least minimal conservation values
- Involve reducing threat of development or sale to non-conservation owners

*This program is **NOT** a good match for conservation goals that:*

- Require immediate intervention to conserve a species
- Are focused on a specific project or habitat improvement need
- Are not of interest to the landowner

**Contact:** Lori Rose, [info@virginriverland.org](mailto:info@virginriverland.org) 435.635.1024

**Website:** [www.virginriverland.org](http://www.virginriverland.org)

# Wetland Reserve Program

The Wetlands Reserve Program (WRP) provides technical and financial assistance to restore, protect, and enhance wetlands in exchange for retiring eligible land from agriculture. The NRCS goal is to achieve the greatest wetland functions and values, along with optimum wildlife habitat, on every acre enrolled in the program. The program offers several options: permanent easements, 30-year easements/contracts, and a restoration cost share agreements (for restoration without an easement).

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Natural Resources Conservation Service (NRCS).

### **Who actually administers the program?**

Natural Resources Conservation Service.

### **Who is eligible to participate in the program?**

Private landowners and Tribes.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

NRCS staff members monitor easement and project compliance and effectiveness for the life of the easement. Funding for this monitoring is part of NRCS staffing budgets.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Long-term management is undertaken primarily by the landowner, but with significant planning support, technical support, and funding opportunities through NRCS.

### **Where does funding for the program come from?**

The WRP is part of the Farm Bill, which is federally funded.

## HOW IT WORKS

To apply, a landowner completes form NRCS-CPA-1200 – including a copy of the deed to the land being offered – to the NRCS Field Office in the county where the offered land is located. The program offers three options:

- Permanent Easement is a conservation easement in perpetuity. USDA pays up to 100% of the fair market value – usually 80-90% of the fair market value – and up to 100% of the restoration costs.
- 30-Year Easement is an easement that expires after 30 years. USDA pays up to 75 percent of the fair market value and up to 75 percent of the restoration costs. A 30-Year contract is similar to the 30-year easement, but only available on Tribal lands.

- Restoration Cost-Share Agreement is an agreement to restore or enhance the wetland functions and values without placing an easement on the enrolled acres. USDA pays up to 75 percent of the restoration costs and the landowner agrees to maintain the restored wetland for a period of at least 10 years after restoration is complete.

For both permanent and 30-year easements, USDA pays all costs associated with recording the easement, including recording fees, survey and appraisal fees, and title insurance. For the easement value, USDA will pay the lowest of:

- The fair market value of the land according to the Uniform Standards of Professional Appraisal Practices;
- The geographic area rate cap (80-90% of the fair market value, depending on location and land use); or
- The landowner's offer.

**What policies are followed internally in approving projects or analyzing applicants?**

Lands may be included in the program based on the likelihood of successful restoration of wetland functions and values when considering program costs. Otherwise, all land which meets the eligibility requirements is accepted into the program, assuming funding is available. If funding is a limiting factor, projects are accepted on a rolling basis. Projects are ranked and compete for funding with other projects in the state.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

State-level NRCS easement and resources staff.

**Is a formal contract or agreement required?**

Yes. Easements require both a contract with NRCS and a formal easement (legal document) recorded with the deed to the property.

**What are key terms of agreement that a landowner would need to know?**

The land must be restored and retired from agricultural production. Passive recreational use, potentially including hunting, fishing, and wildlife observation, are still permitted. Easements also require a variety of other development restrictions, some negotiated between the landowner and the easement holder. The easement is then recorded at the county as a permanent deed restriction. In addition, the easement holder (NRCS) is granted permanent access to the property on a regular basis (annual, in many cases) to monitor for compliance with the terms of the easement. Public access is not required. Cost sharing terms are noted above in the description of the available program options.

**Who are the essential parties to the agreement?**

NRCS and the landowner.

## BENEFITS and LIMITATIONS

### What benefits does the program provide to species or habitats?

The program has the potential to substantially improve water quality and wetland habitat for a wide variety of aquatic and terrestrial species. The protections afforded by the program are long-term and include habitat improvement practices.

### How does the program benefit landowners?

- *Monetarily:* Landowners are paid directly for the value of their easement.
- *Assurances:* Easements provide the assurance of removed development pressure on the lands enrolled in easement.

### What are limitations of the program in terms of long-term species conservation?

Not many. Some conservation measures will necessarily be dependent on the landowner; however, stewardship and compliance with a conservation plan are requirements of the program, and benefits are likely to be long term.

## WHERE and WHEN

### What habitats, locations, or other spatial restrictions does the project have?

Land proposed for funding in WRP must be privately owned or Tribal lands and must not have changed ownership in the past 7 years if an easement option is chosen, unless a waiver is granted. Eligible lands in Utah include:

- Farmed wetland or converted wetland, including wetlands farmed under natural conditions, farmed wetlands, prior converted cropland, commenced conversion wetlands, and farmed wetland pastures and lands substantially altered by flooding so as to develop wetland functions and values.
- Former or degraded wetlands that occur on lands that have been used or are currently being used for the production of food and fiber, including rangeland and forest production lands, where the hydrology has been significantly degraded or modified and will be substantially restored.

### Are there standard annual application dates?

Applications are accepted on a continuous basis.

### What is the duration of the program?

Permanent or 30-year options are available. For the restoration program, a minimum of a 10-year commitment is required.

### Can the program handle multi-year commitments?

Yes – required.

### Are there other relevant time considerations?

Easements and restoration plans often take multiple years to finalize.

## Big picture: When is WRP the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Are interested in committing to long-term conservation efforts
- Have wetlands or lands that could be restored to wetlands on their property
- Need or want to benefit financially from their conservation efforts
- Have full buy-in from any co-owners of the property for long-term development restrictions on the property
- Are interested in conserving their property beyond their own lifespan
- Are interested in retiring part or all of their land from agriculture

*This program is **NOT** a good match for landowners who:*

- Are interested in returning to agriculture soon on the wetland areas to be protected
- Cannot commit to long-term conservation for legal or other reasons
- Have not owned the property for at least 7 years (if an easement is desired; waivers may be available)
- Are looking for immediate land protection, as easements are time-consuming to plan.

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Address wetland restoration goals
- Have water quality improvement goals
- Benefit multiple aquatic and terrestrial species
- Are focused on long-term habitat and species recovery goals in a particular area

*This program is **NOT** a good match for conservation goals that:*

- Require actions on non-wetland areas
- Require species-specific monitoring or expertise
- Require immediate action
- Involve wetlands that do not require restoration

**Contact:** For further information, contact your local NRCS Field Office or Jeff Williams, 801-524-4254, [jeff.williams@ut.usda.gov](mailto:jeff.williams@ut.usda.gov); Pedro Ramos, Assistant State Conservationist – Programs, at 801-524-4552, [pedro.ramos@ut.usda.gov](mailto:pedro.ramos@ut.usda.gov); or Casey Burns, State Biologist, at 801-524-4566, [casey.burns@ut.usda.gov](mailto:casey.burns@ut.usda.gov).

**Website:** <http://www.ut.nrcs.usda.gov/programs/wrp.html>

# Planning, Coordination, and Education

There are many different programs that can help plan, fund, and implement projects to benefit wildlife on private land. The organizations profiled in this section can help landowners learn more about the resources on their property, make plans for conservation, wildlife, or just generally improved resource management. Many of the organizations are also set up to assist landowners find funding sources to implement projects and plans.

For general information and referrals to a wide variety of other programs – including many of those profiled in this publications, look into:

- Utah Farm Bureau Federation, which provides advising, planning, and referral information for agricultural producers on fiscal and conservation issues
- Your local USDA Service Center, where you can connect to programs like USDA's Conservation Technical Assistance, organizations like the Local Conservation Districts, and in many cases the local Rural Conservation and Development Area
- The Foundation for Quality Resource Management is a private nonprofit that helps improve overall private natural resource management, primarily related to livestock grazing

Other organizations focus on more specific issues, such as:

- The Tamarisk Coalition, which provides education and project management support and coordination focused on riparian areas and invasive tree species
- For more general weed-related needs, seek out a local Cooperative Weed Management Area contact, who can help find and coordinate resources to combat invasive and noxious weeds
- Forest landowners can receive information and planning assistance from the Forest Stewardship Program, as well as Utah State University's Forestry Extension Service.
- The Foundation for Quality Resource Management
- The USU Wildlife Extension program can provide recommendations and help with wildlife-related questions, and
- The USU Small Acreage Program has resources and basic educational material about resource management, from water quality to weeds, which new landowners, hobby farmers, and many others will find valuable.



# Conservation Technical Assistance Program

The Conservation Technical Assistance (CTA) Program provides assistance and technical support in the development of conservation plans for properties of all sizes and ownerships. The plans may address water quality, wetlands, weed issues, grazing management, wildlife habitat, and soil erosion issues, and other resource issues specific to the needs of the client.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Natural Resources Conservation Service (NRCS).

### **Who actually administers the program?**

Natural Resources Conservation Service (NRCS).

### **Who is eligible to participate in the program?**

Anyone or any entity may request assistance.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

NRCS staff track progress on the plan whenever conservation practices are funded through other programs associated with NRCS, such as EQIP, WHIP, etc., and often with other funding sources as well such as Partners for Fish and Wildlife or the Utah Watershed Restoration Initiative. Monitoring to ensure compliance of the conservation plan alone is not formally conducted, as plan development and implementation is fully voluntary.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for long-term implementation of the plan and management of the land. Technical assistance and funding programs to implement the plan are available through NRCS. Such funds are attached to specific projects, not the plan itself.

### **Where does funding for the program come from?**

Funding comes from congressional allocations and the most recent Farm Bill.

## HOW IT WORKS

A landowner approaches NRCS with interest in developing a conservation plan for his or her land. NRCS then works with the landowner to inventory and evaluate the natural resources on the property, including soil, air, water, plant, and animal resources. The plan combines producer goals for agricultural operations with conservation recommendations from NRCS, leaving the landowner with a “roadmap for better management” of his or her natural resources.

**What policies are followed internally in approving projects or analyzing applicants?**

All applicants interested in a conservation plan are eligible and will get a plan once NRCS staff are able to devote resources to help create it.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

NRCS staff at the landowner's local USDA Service Center work with the landowner to develop the plan. Approval is not required for the landowner to use the recommendations in the plan, but particular recommended practices would need to be ranked and approved for funding if other Farm Bill funding sources are needed. Permits may be needed from other agencies prior to implementation.

**Is a formal contract or agreement required?**

No.

**What are key terms of agreement that a landowner would need to know?**

NRCS will map the property, including aerial photography, soil maps, field locations, etc.

**Who are the essential parties to the agreement?**

NRCS and the landowner.

**BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

Each plan will vary depending on the landowners' level of interest in making their operation wildlife-friendly, as well as the NRCS staff's level of awareness about wildlife habitat issues. If implemented, however, plans have the potential to improve riparian conditions and water quality and improve grazing management, all of which are highly likely to provide general benefits to wildlife on the private land.

**How does the program benefit landowners?**

- *Monetarily:* Free conservation planning assistance, but no direct monetary benefit.
- *Assurances:* No formal assurances are provided by the plan, although the plan may help bring landowners into compliance with water quality or other regulations.

**What are limitations of the program in terms of long-term species conservation?**

Landowners are not obligated to focus on wildlife issues or implement the plan. The extent to which the plan can benefit wildlife is highly situation dependent.

## **WHERE and WHEN**

### **What habitats, locations, or other spatial restrictions does the project have?**

There are no spatial restrictions on where a conservation plan may take place as long as it is primarily focused on private property. If private agricultural operators also use public land for grazing leases as part of their full operation, the recommendations in the plan may also include details pertinent to the associated public land.

### **Are there standard annual application dates?**

No. Anyone may request assistance developing a conservation plan at any time by coming to their local USDA Service Center.

### **What is the duration of the program?**

Conservation plans are designed to look 10 years into the future, although the timeframe for actual implementation of recommendations varies by landowner.

### **Can the program handle multi-year commitments?**

Yes, although no formal commitment is required.

### **Are there other relevant time considerations?**

No.

## Big picture: When is CTA the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Are seeking guidance on how to improve environmental conditions on their property
- Need an inventory of resources on their property for conservation purposes.

*This program is **NOT** a good match for landowners who:*

- Are uncomfortable sharing information about their operations, although NRCS will not share information outside of the agency.

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that focus on:*

- General habitat and/or water quality improvement measures in an area with lots of private land
- Complex or larger-scale resource conservation concerns, especially on landscapes with multiple conservation issues, such as weeds, erosion, water pollution, etc.

*This program is **NOT** a good match for conservation goals that require:*

- Immediate assistance and attention
- Long-term legal commitments to a species or habitat
- Species-specific conservation recommendations (unless a wildlife biologist is available to help create the plan)

**Contact:** An NRCS resource conservationist at the local (county level) USDA Service Center

**Website: link from this page:** <http://www.ut.nrcs.usda.gov/programs/>

# Cooperative Weed Management

The Cooperative Weed Management Areas (CWMAs) were formed to help handle noxious weed issues on public and private land. They provide educational materials and coordinate mapping and treatment of weed infestations. Coordination of multiple partners is a crucial part of managing weeds. Weed management is often coordinated by the counties. Both counties and CWMAs that help coordinate private lands weed management try to educate landowners and provide a jump-start so that the landowners can continue weed management actions on their own or with minimal additional assistance.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Lead agencies vary by area depending on the structure of the County programs and the Weed Management Areas that overlap in each county. County Weed Supervisors are a good first point of contact.

### **Who actually administers the program?**

Cooperative Weed Management Areas operate locally. There are 22 CWMAs in Utah. Duties vary based on the local circumstances and program administration.

### **Who is eligible to participate in the program?**

Anyone can – and is encouraged to – participate in their local CWMA.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Effectiveness monitoring is part of the goal of a CWMA, because successful weed treatments – particularly for weed species that have multi-year life cycles – require ongoing monitoring and retreatment to be successful. Funding for individual project monitoring may or may not be available, but informal monitoring by partners is a core purpose of the CWMAs and therefore likely to occur.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Long-term management after weed treatments is the responsibility of the landowner; however, the CWMA may continue to address ongoing weed management needs in some situations.

### **Where does funding for the program come from?**

The CWMAs are jointly funded by many partners, from federal and state agencies to private grants. Often, individual projects are accomplished through a combination of financial, staff time, and equipment resources. Contributions from counties and CWMAs are generally in the form of in-kind labor and equipment.

## HOW IT WORKS

The CWMAAs work across all boundaries. Anyone can bring a weed concern to the attention of the local County Weed Supervisor or the local CWMA. If the initial contact person can't help, he or she should be able to find someone who can. Local partners will work to determine any control or outreach needs, the priority of the concern in comparison to other weed problems, and then, if a treatment response or education is deemed appropriate, CWMA partners work together to assemble relevant resources (staffing, equipment, funding etc.).

### **What policies are followed internally in approving projects or analyzing applicants?**

Weed infestations are examined for priority, based on local situations. For example, the Early Detection Rapid Response (EDRR) philosophy focuses on controlling small infestations of new weed species – to prevent them from becoming a larger problem. In some circumstances, EDRR work may take precedence over managing weeds that are unlikely to be able to be controlled, or are less aggressive. Species of concern vary by region. CWMA coordinators and County Weed Supervisors help determine when projects are appropriate.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

Level of approval required may depend on the partners involved, the methods of weed removal, or other factors. The CWMA coordinators and Weed Supervisors can help determine what, if any, approval is required for projects on private land.

### **Is a formal contract or agreement required?**

Sometimes, yes.

### **What are key terms of agreement that a landowner would need to know?**

Proper use of loaned equipment, chemical treatments, etc.

### **Who are the essential parties to the agreement?**

Depends on the situation (landowner, equipment provider, funder, etc.).

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

Weed control can help native species in many ways by maintaining healthy native ecosystems upon which species depend. Depending on the weed, this may help maintain sustainable fire intervals, maintain diverse native plant communities, prevent soil chemical changes, and maintain healthy water regimes.

**How does the program benefit landowners?**

- *Monetarily:* CWMA projects may allow private landowners to accomplish weed control on their property that would otherwise be prohibitively expensive.
- *Assurances:* No regulatory assurances are provided.

**What are limitations of the program in terms of long-term species conservation?**

Weed management is an ongoing challenge, and the long-term benefit to any species or habitat relies on ongoing efforts to continue weed control treatments where necessary and prevent the spread of additional weeds.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

Local CWMAs have boundaries in which they operate. Depending on the area, specific weed species may be the primary focus of a CWMA. All areas of Utah are covered by a CWMA, and each county has a Weed Supervisor and a Weed Board, with varying participation.

**Are there standard annual application dates?**

No. Weed concerns are identified and addressed whenever possible.

**What is the duration of the program?**

The duration of any given projects' success depends on the success of treatments, adequate long-term follow-up, and actions by surrounding landowners.

**Can the program handle multi-year commitments?**

Yes. Weed management is a multi-year, ongoing challenge, and multi-year planning is critical to success. Individual projects and partnership activities, however, are generally seasonal. Well mapped weed infestations make better multi-year projects, as good maps contribute to more strategically planned projects.

**Are there other relevant time considerations?**

No.

## Big picture: When is a CWMA the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Need information on weed issues in their area
- Have weed management concerns beyond their ability to handle alone

*This program is **NOT** a good match for landowners who:*

- N/A: this program should be valuable for any type of landowner

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require coordinated or cross-boundary responses to weed infestation issues
- Require education or outreach efforts to private landowners on weed concerns

*This program is **NOT** a good match for conservation goals that:*

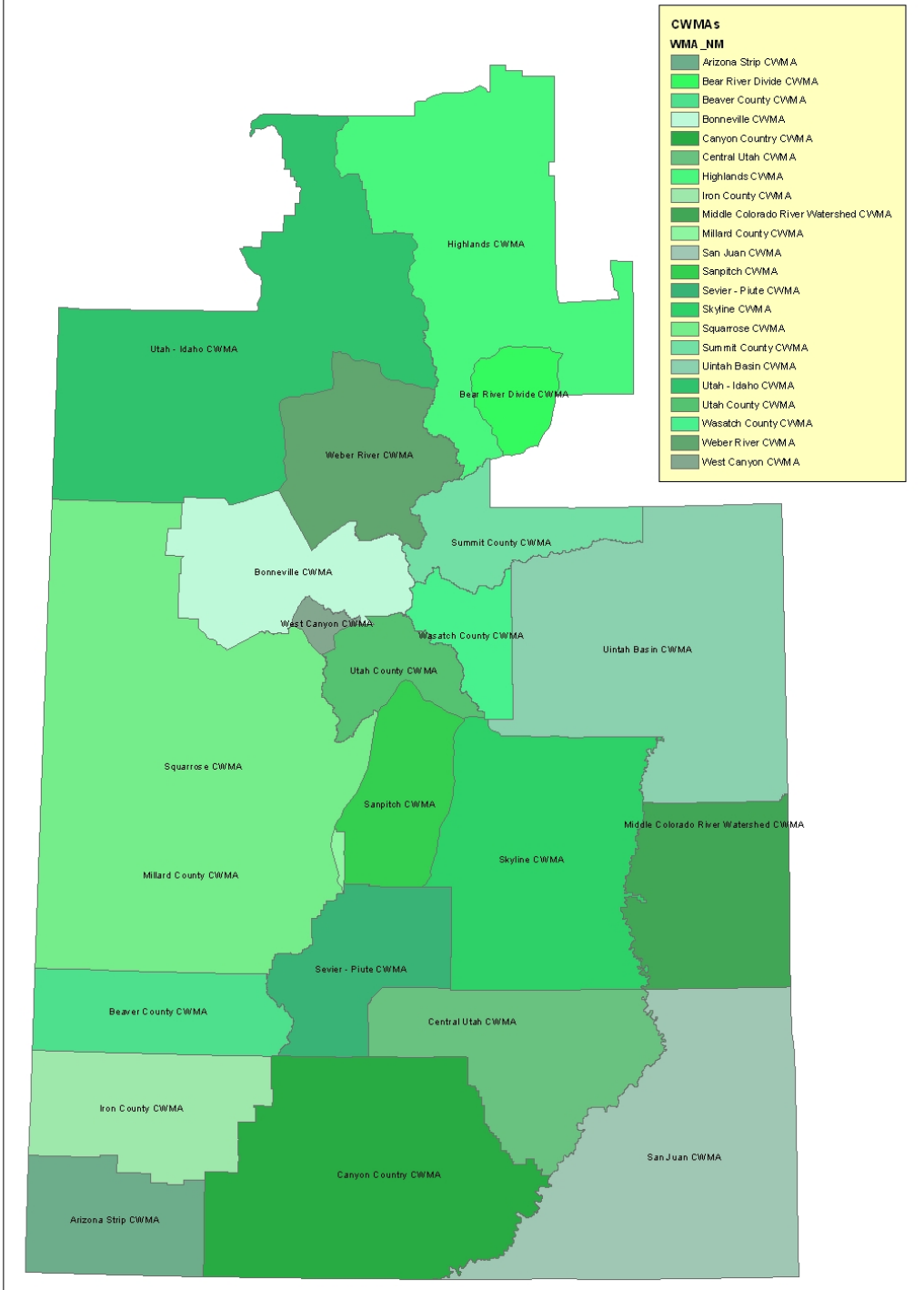
- Do not involve weed management concerns or weed education needs

**Contact:** Your County Weed Supervisor or the local weed management coordinator with the relevant CWMA, whose contact information can be found on the website below.

**Website:** <http://www.utahweed.org/index.htm>



# Utah CWMA's



# Forest Stewardship Program

Utah's Forest Stewardship Program (FSP) provides education, technical assistance, and financial support. It encourages long-term management of nonindustrial private forest lands and strives to foster and promote the concept of stewardship. The program recognizes landowners who apply stewardship principles to their forest land.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Utah Division of Forestry, Fire, and State Lands (FFSL).

### **Who actually administers the program?**

Utah Division of Forestry, Fire, and State Lands (FFSL).

### **Who is eligible to participate in the program?**

Private, nonindustrial landowners.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The FSP is based on planning and education, and does not involve extensive monitoring. FFSL does, however, monitor to see if the landowners are following the plans.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Plan implementation is exclusively voluntary and at the landowner's discretion. No project funding to implement the plans is provided to landowners. FFSL employees may provide feedback on projects as requested by the landowner. By having a FSP, the landowner is eligible to apply for other funding opportunities.

### **Where does funding for the program come from?**

The U.S. Forest Service's State and Private Forestry Program funds the FSP.

## HOW IT WORKS

Landowners may approach (or be approached by) FFSL to express an interest in creating a FSP. Foresters on staff with FFSL work together with the landowner to inventory the property, identify needs (both conservation needs and specific landowner interests), and then develop a plan and identify resources to address concerns, improve habitats, and meet landowner goals. Landowners will be publicly recognized for their commitment with a Stewardship Forest sign for the property, if funds are available.

**What policies are followed internally in approving projects or analyzing applicants?**

Anyone whose land meets eligibility requirements is accepted into the program.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

A State Forester with FFSL must approve plans.

**Is a formal contract or agreement required?**

No.

**What are key terms of agreement that a landowner would need to know?**

The landowner must be willing to work with FFSL.

**Who are the essential parties to the agreement?**

The landowner and FFSL.

## **BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

Depending on the plan and the landowners' interests, FSPs can provide a roadmap for improving a wide variety of habitats, including aspen, conifer, riparian, and others. Other potential plan elements might include water quality improvements, weed management, wetland protection, and others. Actual benefits to species depend exclusively on landowners' management choices.

**How does the program benefit landowners?**

- *Monetarily:* Landowners do not gain financially from the program, although a stewardship plan may provide opportunities to increase revenue or decrease costs associated with natural resource use and management on the property.
- *Assurances:* This program provides no formal assurances.

**What are limitations of the program in terms of long-term species conservation?**

Although plans have potential to make significant impacts, project implementation is exclusively based on landowner interest. The plans are not enforceable.

## **WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

The program is limited to lands which qualify as "non-industrial" are those owned by any private individual, group, association, corporation, Indian tribe or other private legal entity.

Rural lands, including wetlands or uplands, with existing tree cover or lands suitable for growing trees also are eligible.

**Are there standard annual application dates?**

No. Landowners interested in the program can contact FFSL at any time.

**What is the duration of the program?**

Plans usually take up to year to write. Once written, they are designed to cover long-term management. Plans are written for a 10-year period and then should be updated.

**Can the program handle multi-year commitments?**

Yes.

**Are there other relevant time considerations?**

No.

**Big picture: When is FSP the right choice?**

***Landowners***

*This program is a **GOOD** match for landowners who:*

- Have forested lands on their property
- Need help managing their natural resources
- Would like help developing a comprehensive plan for their property
- Would like public recognition for improving their stewardship
- Would like to learn more about the natural resources on their property
- Would like increased access to and eligibility for conservation project funding sources

*This program is **NOT** a good match for landowners who:*

- Are exclusively seeking specific project funding, but not technical expertise or advice

***Conservation Goals***

*This program is a **GOOD** match for conservation goals that:*

- Require increased awareness of or attention to basic resource issues by private landowners
- Are focused on specific forest habitats or the species that live in them

*This program is **NOT** a good match for conservation goals that:*

- Require immediate intervention
- Require funding sources for projects before there is time to write a plan

**Contact:** Bill Zanotti, Program Coordinator with FFSL.

**Website:** <http://www.ffsl.utah.gov/forestryassist/stewardship.php>

# Foundation for Quality Resource Management Program

The Foundation for Quality Resource Management's (QRM) mission is to "manage for healthy watersheds, healthy wildlife populations and agricultural values now and for future generations using sound science and management practices." Examples of the kind of work done by QRM includes helping ranching operations develop more sustainable operational plans, providing referrals to wildlife or other scientific resources to create better land management plans, and assisting landowners in assembling funds to accomplish resource management goals, often from multiple sources.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

QRM, a 501(c)3 nonprofit organization consisting of private land managers and landowners.

### **Who actually administers the program?**

The QRM Board of Directors establishes the direction for the organization; the President and Chief of Operations implement the program.

### **Who is eligible to participate in the program?**

Any private landowner/manager may request assistance from QRM. Although anyone may request assistance, the primary expertise within the organization is working with agricultural landowners. QRM dues paying members as well as non-members can request assistance.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Monitoring project effectiveness involves private landowners/managers, and may include state or federal agencies, depending on the nature of the projects or plans implemented. QRM does not provide funding for monitoring; however, QRM does seek grants and other funding to inventory and monitor project effects.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The private landowner/manager is responsible for long-term management. QRM does not provide funds for long term management.

### **Where does funding for the program come from?**

Funding for QRM programs comes from membership fees, state and federal grants, specific contractual agreements, and donations.

## HOW IT WORKS

A private landowner/manager contacts QRM. QRM and the private land operator discuss how to achieve the landowner's desired management objectives and options for achieving them. QRM then assists the landowners by coordinating contacts with relevant state or federal agencies (such as NRCS or the Utah Division of Wildlife Resources) for planning and funding, as well as appropriate other funding sources.

### **What policies are followed internally in approving projects or analyzing applicants?**

QRM attempts to assist landowners/managers in devising projects to maintain the landowners operation and keep the land in agricultural production and manage resources to benefit the landowner as well as the resources. Most projects relate to agricultural operations, but other landowners may request assistance and referrals.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

The QRM President and Chief of Operations decide which projects to pursue, with oversight provide by the Board of Directors. Project implementation proposals are taken to local chapters for review and input to understand what benefits they may provide to members, but decision-making review resides with the Board.

### **Is a formal contract or agreement required?**

Sometimes, depending on project and funding partners' requirements.

### **What are key terms of agreement that a landowner would need to know?**

If the project involves the implementation of a livestock grazing system, QRM requests a agreement to provide an adequate time frame to implement and evaluate the system. These agreements set out the expectations of each of the parties. Whether they are legally binding depends on the nature of the project and whether funding is provided.

### **Who are the essential parties to the agreement?**

The QRM president and the landowner/manager are the parties to any agreement.

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

All projects are designed to benefit all resources of the project area (vegetation, livestock grazing opportunity, watershed values, wildlife (aquatic and terrestrial) and soil). The specific benefits to a species or habitat will depend on the species' relationship to the larger property and project, as QRM projects are not designed to focus on single-species or narrowly focused species or habitat conservation goals.

**How does the program benefit landowners?**

- *Monetarily:* QRM can assist landowners/managers to get involved with the appropriate state and federal agencies and other funding sources to implement projects.
- *Assurances:* no formal assurances are provided.

**What are limitations of the program in terms of long-term species conservation?**

The limitations depends on the project.

**WHERE and WHEN****What habitats, locations, or other spatial restrictions does the project have?**

The focus of QRMs work is centered on three chapters in northern Utah: Chalk Creek, Morgan/South Rich, and East Box Elder. Implemented projects must provide at least an indirect benefit to QRM members. (This is determined by consultation with local chapters.) Any landowner can request non-project services, however: QRM provides referrals, consulting, and similar types of assistance all over Utah.

**Are there standard annual application dates?**

QRM involvement with projects can begin anytime; however, funding and implementation may be restricted by state or federal agencies.

**What is the duration of the program?**

The QRM goal is to maintain healthy ecosystems in perpetuity. The duration of any specific project will depend on the goals of that project.

**Can the program handle multi-year commitments?**

Most projects are multi-year efforts for planning and funding acquisition.

**Are there other relevant time considerations?**

No.

## Big picture: When is QRM the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Want to maintain healthy ecosystems
- Want to maintain active ranching operations
- Want help negotiating proposal requirements for multiple agencies
- Want help developing comprehensive resource plans
- Need referrals to natural resource specialists in wildlife, watershed, and other disciplines

*This program is **NOT** a good match for landowners who:*

- Want only short term project benefits, not long term
- Are not interested in comprehensive planning efforts

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Focus on holistic goals that value both natural resources and the viability of agricultural operations
- Require coordination with multiple agencies
- “Manage for healthy watersheds, healthy wildlife populations and agricultural values now and for future generations using sound science and management practices”

*This program is **NOT** a good match for conservation goals that:*

- Only address part of the watershed issues which may need to be addressed.
- Look only at single-species management goals

**Contact:** Mike Welch, Chief of Operations, 801-725-9524

**Website:** [www.qualityresourcemanagement.org](http://www.qualityresourcemanagement.org) (under construction at time of printing)



# Local Conservation Districts

Utah's 38 Conservation Districts serve as a resource where landowners and others can go to learn more about various programs available to them to help meet conservation goals. Many of these projects are summarized elsewhere in this document. The Utah Association of Conservation Districts (UACD) supports the work of the local Conservation Districts through UACD Zone Coordinators. Landowners can receive assistance with projects ranging from farm and ranch conservation projects to protecting soil and water quality to enhancing fish and wildlife habitat. Conservation planning, engineering, and GIS/GPS services are also available from the Conservation Districts and UACD. In addition, Conservation Districts promote and fund educational activities for children.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Local Conservation Districts.

### **Who actually administers the program?**

Utah Association of Conservation Districts (UACD) and local Conservation Districts (CD) jointly.

### **Who is eligible to participate in the program?**

Anyone.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Local CDs serve primarily as a conduit to other programs. Program effectiveness monitoring depends on the funding and project source used.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

As with monitoring, long-term management responsibilities for projects implemented with assistance from local CDs depend on the source of technical and funding assistance and their requirements, as well as the landowner's interest level in long-term management.

### **Where does funding for the program come from?**

The CDs and UACD are funded from several sources, including support from the Utah State Legislature, and contracts with federal and state partners.

## HOW IT WORKS

The CDs and UACD Resource Coordinators are available to provide guidance on conservation projects and natural resource concerns. They can provide onsite evaluations, assistance with

referrals to other agencies and their programs, and other resources. The UACD website has many basic references on topics such as weed control of specific weeds (for example: tamarisk, squarrose knapweed, and cheatgrass), water quality regulations. The individual conservation districts websites have information specific to each district.

**What policies are followed internally in approving projects or analyzing applicants?**

The CDs and UACD will provide guidance to anyone interested in programs. Eligibility and application procedures depend on the sources of technical support or funding involved. (See program-specific pages elsewhere in this document.)

**Is the program voluntary?**

Yes.

**What level of approval is required?**

None.

**Is a formal contract or agreement required?**

For engineering work, special projects, and GIS/GPS work, a contract is generally required. For landowner visits for conservation measures, no contract is required.

**What are key terms of agreement that a landowner would need to know?**

N/A

**Who are the essential parties to the agreement?**

N/A

**BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

Although not specifically wildlife focused, the CDs and UACD can provide guidance on habitat improvement projects, and provide referrals to biologists and others who can assist with more specific project planning for wildlife.

**How does the program benefit landowners?**

- *Monetarily:* There is no direct financial benefit to landowners.
- *Assurances:* No regulatory assurances are provided through UACD.

**What are limitations of the program in terms of long-term species conservation?**

Wildlife and habitat benefit depends on the programs used and decisions made by landowners. The CDs and UACD primarily provide guidance, not wildlife specific benefits.

## WHERE and WHEN

### What habitats, locations, or other spatial restrictions does the project have?

The CDs each work in their own district, but have no restrictions on the types or ownership of lands they can provide guidance and assistance for.

### Are there standard annual application dates?

No, although specific programs that CDs help administer may have deadlines.

### What is the duration of the program?

N/A

### Can the program handle multi-year commitments?

N/A

### Are there other relevant time considerations?

N/A

## Big picture: When are Conservation Districts the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have wildlife habitat on their land
- Are interested in doing conservation or resource improvement work on their land
- Are unsure of options available to them for conservation projects

*This program is **NOT** a good match for landowners who:*

- Are not interested in conservation

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Would benefit from increased landowner buy-in
- Require targeted education for landowners to bring attention to a resource concern
- Aim to extend to multiple landowners in an area

*This program is **NOT** a good match for conservation goals that:*

- Require extensive species or habitat monitoring, although UACD can assist with monitoring if a project includes it.

**Contact:** Contact the Zone Coordinator in your area, or the Conservation District chairman, whose contact information can be found on the website below.

**Website:** <http://www.uacd.org/>

# Tamarisk Coalition

The Tamarisk Coalition's (TC) mission is to provide education and technical assistance for the restoration of riparian lands. The TC works extensively on tamarisk and other riparian invasive species management including Russian olive. The ultimate goal is to promote riparian health which includes native revegetation and promoting long-term success through monitoring and maintenance. They provide a wide array of technical and planning resources to help implement successful riparian habitat restoration projects. The TC is a resource to riparian land managers, landowners and others working to improve riparian areas and strives to enhance communication and collaboration between those partners. Through one-on-one interactions, website, newsletters, conferences, workshops and other venues, the TC aims to connect landowners and managers to the most up to date riparian restoration information available based on best management practices and science to help encourage the success of restoration efforts.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Tamarisk Coalition (TC).

### **Who actually administers the program?**

Tamarisk Coalition, although many different partners initiate and administer projects.

### **Who is eligible to participate in the program?**

Anyone is welcome to participate in coordination efforts, or request technical assistance.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Tamarisk Coalition promotes an approach to restoration including the following steps:

- Defining the problem and the restoration objectives,
- Developing a collaborative comprehensive approach,
- Controlling tamarisk and other invasive species,
- Revegetation either through passive and/or active means,
- Monitoring and long-term maintenance, and
- Identifying funding sources to implement all components of restoration

Ultimately, land managers and project coordinators are responsible for implementation of these principles. The TC provides technical assistance and support when appropriate. Incorporating funding resources for monitoring and long-term maintenance early on in the planning process is critical, but sometimes difficult to achieve. The TC can assist partners with this process (i.e., estimating costs for long-term monitoring and maintenance, identifying potential funding sources).

**Who is responsible for long-term management, and does the program provide funding for long-term management?**

No specific fund for long-term management is available. Landowners (public and private) are ultimately responsible for the long-term management of riparian health on their land. However, TC partners provide resources and an ongoing community of support to assist landowners in making land management decisions. The Tamarisk Coalition strongly supports follow-up work, such as secondary weed management and revegetation, after tamarisk management projects.

**Where does funding for the program come from?**

Funding for riparian restoration and tamarisk management activities can come from a wide variety of public and private sources. The TC has compiled an extensive list of potential funding sources: <http://www.tamariskcoalition.org/FundingResources.html>

**HOW IT WORKS**

A private landowner could approach TC and receive information on techniques for tamarisk management or riparian restoration, information on how infestation on his or her land relates to broader issues regionally, references to partner organizations, funding sources, conferences, cost estimates and implementation options. Information on how to maintain the value of successful restoration projects is also a primary educational focus. Much of this information is available at the TC website.

**What policies are followed internally in approving projects or analyzing applicants?**

All partners are welcome to work with the TC. The level of on-the-ground project involvement by TC itself will depend on a variety of factors including the nature of the project and resources available.

**Is the program voluntary?**

Yes, all partners are welcome to work with the TC.

**What level of approval is required?**

Potential partners are encouraged to call the TC to discuss their project. The TC will help direct them to appropriate resources and help to educate on approval processes if necessary.

**Is a formal contract or agreement required?**

This depends on the circumstances of the partnership. For example, some watershed partnerships have stakeholders voluntarily sign a Memorandum of Understanding (MOU) to formalize their support for the project. Since the TC does not have a specific program, the levels of agreement depend on the nature of the project and requirements of the partners.

**What are key terms of agreement that a landowner would need to know?**

This depends on who the agreement is between and what it is for.

**Who are the essential parties to the agreement?**

This depends on who the agreement is between and what it is for.

**BENEFITS and LIMITATIONS****What benefits does the program provide to species or habitats?**

Tamarisk management and riparian restoration has the potential to improve wildlife habitat, increase biodiversity, reduce the risk of fire in riparian area, enhance livestock practices, enhance recreation opportunities, and make riparian habitats more resilient to stressors in the long-term.

**How does the program benefit landowners?**

- *Monetarily:* Tamarisk Coalition does not provide direct monetary benefits, although improving riparian vegetation may improve the value of property, and provide other secondary benefits with economic value to landowners such as enhancing agriculture/livestock production and recreation opportunities (bird watching, boating, hunting), increase biodiversity, enhance wildlife habitat, etc.)
- *Assurances:* No regulatory assurances are provided.

**What are limitations of the program in terms of long-term species conservation?**

Riparian restoration efforts can have long-term benefits to species as long as they are maintained. In the case of tamarisk management, additional follow-up and maintenance work such as revegetation with native plants, fencing, secondary weed control, and related work may be necessary to maintain the value of the project.

**WHERE and WHEN****What habitats, locations, or other spatial restrictions does the project have?**

The TC primarily works with partners that manage riparian areas in the western U.S. that are impacted by tamarisk and Russian olive.

**Are there standard annual application dates?**

No. The Tamarisk Coalition is available at any time to provide information.

**What is the duration of the program?**

The TC will work with partners as long as necessary to assist them with their project, pending resource availability.

**Can the program handle multi-year commitments?**

Yes. Riparian restoration involving tamarisk control is likely to be a multi-year effort involving post-project monitoring and follow-up activities. The TC has worked with many partners in multi-year situations.

Are there other relevant time considerations?

No.

## Big picture: When is Tamarisk Coalition the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have degraded riparian areas on their land
- Have tamarisk, Russian olive, or other invasive riparian species on their land
- Need technical and planning assistance for how to design a tamarisk or other invasive species management project
- Want to improve riparian vegetation and wildlife habitat on their land

*This program is **NOT** a good match for landowners who:*

- Do not have riparian areas on their land

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Intend to improve wildlife habitat, reduce fire risk, enhance agricultural and recreation opportunities, and riparian health
- Require resources and information beyond one landowner's ability to implement alone

*This program is **NOT** a good match for conservation goals that:*

- Do not involve riparian habitats

**Contact:** skolegas@tamariskcoalition.org, (970) 256-7400

**Website:** <http://www.tamariskcoalition.org>

# Resource Conservation and Development Areas

Seven different Resource Conservation and Development (RC&D) Areas Councils exist in Utah. Each council focuses on issues in the local area related to the environmental, economic and social needs of their area by assisting sponsors with projects to enhance the quality of life. These span a broad array of potential arenas from supporting larger-scale wildlife conservation initiatives (such as at the watershed level) to promoting local agriculture and air quality improvements.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

The activities in each RC&D are led by a citizens group (council) that represents American Indian tribes, county governments, soil and water conservation districts, towns, local organizations, special districts and others. Although formerly associated with the USDA Natural Resources Conservation Service, each RC&D is its own nonprofit organization.

### **Who actually administers the program?**

Each local RC&D is a separate nonprofit entity which administers programs locally.

### **Who is eligible to participate in the program?**

Anyone is welcome to participate in the work of the RC&Ds. Specific projects may have participant guidelines, but those eligibility requirements vary by council and project.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The kinds of monitoring support provided for a given project is highly dependent on the focus and capacity of the local RC&D. The local RC&D may be able to help channel or manage funding for monitoring projects, but cannot provide technical expertise or direct funding.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

As noted above, the terms of, and funding available for, long-term management of any project depends on the project itself. RC&Ds do not have independent funding to help with management unless it is part of an existing project.

### **Where does funding for the program come from?**

The RC&Ds are individual nonprofit entities that until recently administered the USDA RC&D program, led locally by a volunteer council. Recent national funding cuts have removed funding from local coordinator positions, which were responsible for helping interested parties fund and manage projects. Therefore, depending whether a particular council has



additional project-specific staff members, the organizations may or may not have any support staff to assist the local boards with conservation projects.

## HOW IT WORKS

The RC&Ds have a broad mission to assist their communities with projects that help to properly conserve, develop, and utilize the natural and human resources in the area. Therefore, a wide variety of conservation projects may be appropriate for the involvement of the local RC&D council. Projects with a broader focus, such as watershed-wide initiatives, are more likely to be supported by an RC&D council than individual landowner projects.

### **What policies are followed internally in approving projects or analyzing applicants?**

Each local RC&D council determines project priorities and involvement.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

Local RC&D Council.

### **Is a formal contract or agreement required?**

Depends on the project.

### **What are key terms of agreement that a landowner would need to know?**

The RC&Ds can theoretically assist with anything from fiscal authority for project grant management to more general work, so terms of agreement on any project will vary.

### **Who are the essential parties to the agreement?**

It depends on the project, but the RC&D Council and any funder and other project participants would likely be parties to a formal contract if needed.

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

The diversity of possible projects means that possible species benefits could range from – as is the case in Panoramaland RC&D – permanent Utah prairie dog habitat easements, to projects designed to promote air quality improvements (see the Great Salt Lake RC&D).

### **How does the program benefit landowners?**

- *Monetarily:* No direct financial benefit comes from involvement with RC&D programs, although the RC&D may assist with financial management of grants.
- *Assurances:* No assurances are provided by RC&Ds.

**What are limitations of the program in terms of long-term species conservation?**

Benefits to species and habitats depend on the goals of any projects implemented. The variation of potential projects is too wide to ensure any particular species/habitat benefits.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

The RC&Ds cover all of Utah, and can work on any ownership of land. Some RC&Ds may be currently inactive.

**Bear River RC&D**

- Box Elder
- Cache
- Rich

**Great Salt Lake RC&D**

- Davis
- Morgan
- Salt Lake
- Tooele
- Weber
- and the Goshute tribe

**Castleland RC&D**

- Carbon
- Emery
- Grand
- San Juan

**Color Country RC&D**

- Beaver
- Garfield
- Iron
- Kane
- Washington

**Dinosaurland RC&D**

- Daggett
- Duchesne
- Uintah

**Panoramaland RC&D**

- Juab
- Millard
- Piute
- Sanpete
- Sevier
- Wayne

**Uinta Headwaters RC&D**

- Summit
- Utah
- Wasatch

**Are there standard annual application dates?**

N/A

**What is the duration of the program?**

The RC&Ds are permanent entities, although funding limitations currently restrict investments in new long term work. Some already ongoing programs, such as the Utah Prairie Dog Habitat Credit Exchange Program in southern Utah, is intended to be perpetual.

**Can the program handle multi-year commitments?**

Yes.

### Are there other relevant time considerations?

No. RC&Ds are always available, although some may be fully volunteer-run, and have therefore have limited resources to respond to requests.

## Big picture: When are RC&Ds the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have project ideas but lack the administrative guidance to manage the project or pull together all the resources
- Have a project with benefits to community as well as conservation
- Have identified possible funding sources but are seeking guidance on how to move forward
- Need connections to a team of local individuals interested in conservation and development issues

*This program is **NOT** a good match for landowners who:*

- Are seeking funding sources directly
- Have projects without clear community or conservation benefit

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require a non-governmental entity to help manage grants or other funding
- Need an organization to be the employer of a short of long-term project manager
- Address community, resource, and conservation needs not clearly matched with other program offerings

*This program is **NOT** a good match for conservation goals that:*

- Need extensive technical assistance
- Require extensive up-front staff investment prior to funding availability

**Contact:** Local RC&D Chairperson: contact information can be found on the website below

**Website:** [www.westernrcd.org/utah.htm](http://www.westernrcd.org/utah.htm). Please note that coordinator positions no longer exist, and that some RC&Ds may currently have very limited scope or capacity.

# **Utah Farm Bureau Federation Programs (and Utah Farm Bureau)**

The Utah Farm Bureau Federation (UFBF) and its related organizations provide a variety of referral and planning tools that can be applied to conservation on private lands. The Utah Farm Bureau Federation provides advice and technical/planning support for species conservation issues and water quality concerns. This includes on-site consultations about conservation or endangered species issues. In addition, the Utah Farm Bureau (UFB) offers financial and estate planning tools which can help farmers and ranchers explore ways to keep their land in production and within their family through multiple generations. Both organizations' programs can help maintain or improve wildlife habitat.

## **WHO IS INVOLVED**

### **Who is the lead agency or organization?**

Utah Farm Bureau Federation and the Utah Farm Bureau.

### **Who actually administers the program?**

Utah Farm Bureau Federation and the Utah Farm Bureau.

### **Who is eligible to participate in the program?**

Any farmer or rancher, whether or not he/she is a member of the UFB, can request this assistance.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The UFB programs provide primarily planning and educational resources, so no species-related monitoring is conducted.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Any long-term management stemming from recommendations or planning is chosen and funded by the farmer or other by entities associated with the property, such as NRCS.

### **Where does funding for the program come from?**

The UFB is funded through member dues and grants. Funding for the UFBF species and wildlife projects comes from a variety of wildlife and water quality improvement funding sources, such as Pitman-Roberts, Utah Division of Wildlife Resources, and other sources.

## HOW IT WORKS

Ranchers or farmers can request assistance. UFBF consultants also contact individual landowners to encourage participation in conservation programs.

### **What policies are followed internally in approving projects or analyzing applicants?**

All farmers and ranchers can take advantage of these services; there is no application or selection process.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

No approval is required to participate.

### **Is a formal contract or agreement required?**

No.

### **What are key terms of agreement that a landowner would need to know?**

N/A

### **Who are the essential parties to the agreement?**

N/A

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

Farm Bureau Federation programs do not provide direct habitat improvement benefits to species; however, the UFBF serves as a crucial trusted intermediary between landowners – who might otherwise be uncomfortable conducting projects for wildlife – and species managers – who have knowledge of how to improve habitat for species but may not have trusted relationship with certain landowners. The activities of UFBF consultants can help build trust between private and government interests, facilitating habitat improvement and other projects that might not otherwise occur.

### **How does the program benefit landowners?**

- *Monetarily:* These programs do not provide any financial benefits to landowners.
- *Assurances:* No regulatory assurances are provided; however, landowners informally receive assurances from UFBF that endangered species found on their properties will not be identified to the federal government without their permission.

**What are limitations of the program in terms of long-term species conservation?**

The program does not implement specific projects. The primary long-term benefit is trust built between agricultural producers and wildlife managers, the duration of which depends on individuals’ abilities to maintain the trust and relationships and adequate funding.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

The UFBF primarily advises owners of private lands in agricultural production, or public lands leased for agricultural production.

**Are there standard annual application dates?**

No. UFBF resources are available at any time.

**What is the duration of the program?**

As long as a need exists and there is adequate funding for the program.

**Can the program handle multi-year commitments?**

N/A

**Are there other relevant time considerations?**

No.

**Big picture: When is UFBF the right choice?**

**Landowners**

*This program is a **GOOD** match for landowners who:*

- Have wildlife on their property and an interest in keeping it there and healthy
- May be uncomfortable working with government employees
- Are concerned with water quality or wildlife issues and need a neutral but knowledgeable opinion on how to address it

*This program is **NOT** a good match for landowners who:*

- Are not active farmers or ranchers

**Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require buy-in from private agricultural producers to implement conservation actions on their land

*This program is **NOT** a good match for conservation goals that:*

- Do not involve privately owned agricultural land.

**Species and Water Issues**

**Contact:** Mark Petersen, Water Quality/Species Specialist with the UFBF: 801-233-3014, 801-450-5981 (cell) or [petersenmm@comcast.net](mailto:petersenmm@comcast.net).

**Website:** <http://utfb.fb.org/Website/SensSpec.html>

**Estate Planning**

**Contact:** 801-360-8351

**Website:** <http://utfb.fb.org/MBgraphics/MBFarmandRanchEstatePlan.html>

# Utah State University Extension

## (Forestry, Small Acreage, and Wildlife)

Utah State University Extension (USU Ext) exists to provide relevant information to all Utahns on focused topics. Extension programs in Forestry (the Utah Landowner Education Program), wildlife (Wildlife Extension and the Community-Based Conservation Program), and the Small Acreage Program are highlighted here. Additional programs not summarized include rangeland health, water quality, and others.

- The Utah Forest Landowner Education Program works to increase awareness and knowledge of forest management principles and practices in Utah among landowners and the general public.
- Wildlife Extension and the Community-Based Conservation Program provide educational materials and individual responses to inquiries about wildlife needs, with a strong focus on sage-grouse conservation issues. They also facilitate collaborative groups around Utah focused on sage-grouse conservation, which are open to the public.
- The Small Acreage program provides basic information to owners of smaller parcels or small hobby farms on topics such as weed control, water quality, pesticide use, soils, and many other topics. Although wildlife is not a focus, the program is an excellent starting point for landowners unfamiliar with natural resource issues – particularly on private agricultural land – but interested in being a more responsible steward.

### WHO IS INVOLVED

#### Who is the lead agency or organization?

Utah State University Extension.

#### Who actually administers the program?

Program staff within USU Extension: Forestry, Wildlife, Small Acreage.

#### Who is eligible to participate in the program?

Anyone.

### HOW IT WORKS

- USU Forestry Extension provides educational materials and events for forestry managers, private or public. This includes a quarterly 8- page publication, and the Utah Forestry Extension website: [extension.usu.edu/forestry](http://extension.usu.edu/forestry). In addition, there are annual Timber Harvest Tours and other educational programs. USU Forestry Extension personnel can provide informal onsite advising and assistance upon request.
- Wildlife Extension/Community-Based Conservation Program run 11 local working groups focused on sage-grouse conservation issues. Meeting information is available online.



- Small Acreage holds workshops and provides educational materials for landowners on topics such as small pasture management, water quality improvement, weed management, and other topics to help owners of small parcels with land stewardship.

**Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Program effectiveness is measured through the USU reporting system. All Extension offices can provide guidance on relevant natural resource or project effectiveness monitoring, but no formal program or funding exists for this purpose.

**Who is responsible for long-term management, and does the program provide funding for long-term management?**

N/A

**Where does funding for the program come from?**

The programs are funded by the Utah State Legislature and augmented by contracts and grants entered into with partners.

**What policies are followed internally in approving projects or analyzing applicants?**

Anyone is welcome to participate in educational efforts.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

No approval is required.

**Is a formal contract or agreement required?**

No.

**BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

The Utah Forest Landowner Education Program works to improve management of forested properties. This may have benefits for specific forest species and is important to water quality as many of the upland forests where most of Utah's water comes from are privately owned or managed.

**How does the program benefit landowners?**

- *Monetarily:* No financial incentives are provided; however, information provided may help decrease costs or help landowners manage their land more sustainably
- *Assurances:* N/A

**What are limitations of the program in terms of long-term species conservation?**

Extension programs are exclusively educational and do not require formal agreements or enforce any management recommendations.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

Wildlife and Small Acreage operate in all relevant habitats in Utah. Forestry Extension is limited to forested landscapes.

**Are there standard annual application dates?**

N/A

**What is the duration of the program?**

Educational materials are always available and updated frequently. Meetings and events (such as field tours) are scheduled in advance and can be found on USU Extension's website.

**Can the program handle multi-year commitments?**

N/A

**Are there other relevant time considerations?**

N/A

## Big picture: When is USU Extension the right choice?

### **Landowners**

*These programs are a **GOOD** match for landowners who:*

- Need basic information about natural resource issues on their land
- Have specific questions about wildlife, weeds, forests, pastures, and more
- Need information from current scientific research

*These programs are **NOT** a good match for landowners who:*

- Are seeking project implementation technical support or funding

### **Conservation Goals**

*These programs are a **GOOD** match for conservation goals that:*

- Can benefit from referrals to more technical or funding resources
- Focus on sage-grouse conservation opportunities, particularly habitat manipulation or monitoring protocols
- Need to engage additional parties or require coordination between multiple entities

*These programs are **NOT** a good match for conservation goals that:*

- Require intensive technical support or project implementation funding

**Forestry Contact:** Darren McAvoy, Forestry Extension Program Associate, 435-797-0560

**Website:** <http://www.forestry.usu.edu>

**Wildlife Contact:** Terry A. Messmer, Professor and Wildlife Extension Specialist

**Website:** <http://www.utahcbcp.org/>

**Small Acreage Contact:** Shawn Olsen, Extension Professor, 801-451-3412

**Website:** <http://extension.usu.edu/smac/>

# Technical and Funding Assistance for Projects

The organizations and programs highlighted here can help identify wildlife, habitat, or other natural resources on a property, then design and fund projects to improve the conservation value of the land.

More information about all of these programs can be found by visiting your local USDA Service Center, where the Natural Resources Conservation Service (NRCS), Farm Service Agency, local Conservation District, and others can point landowners and others toward programs that match their conservation needs. Although these programs originate with different agencies, they are frequently combined to create more comprehensive projects for private landowners with multiple conservation needs. In addition, program managers for non-USDA programs are often housed in those same Service Center offices.

- Conservation Stewardship Program
- Environmental Quality Incentives Program
- Partners for Fish and Wildlife
- Utah Grazing Improvement Program
- Water Quality Improvement Program
- Wildlife Habitat Incentives Program

In addition to these programs, which provide technical design and planning assistance in addition to project funding, a variety of other possible funding sources are listed at the end of this document, in the “Additional Resources” page.

# Conservation Stewardship Program

The Conservation Stewardship Program (CSP) encourages land stewards to improve their conservation performance, going “above and beyond” standard conservation practices such as those used regularly in the WHIP and EQIP programs. Projects might involve maintaining standard practices beyond contracted timelines (“enhancements”), conducting agricultural management in ways more specifically beneficial to certain wildlife species or habitats, and many other options. CSP participants receive an annual land use payment for operation-level environmental benefits they produce. Participants are paid for conservation performance: the higher the operational performance, the higher their payment.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Natural Resources Conservation Service (NRCS).

### **Who actually administers the program?**

Natural Resources Conservation Service (NRCS).

### **Who is eligible to participate in the program?**

CSP is available to all agricultural producers, regardless of operation size or crops produced. Applicants may be individuals, legal entities, joint operations, or Indian tribes. They must:

- Be the operator of record in the USDA farm records management system for the eligible land being offered for enrollment;
- Have effective control of the land for the term of the proposed contract;
- Be in compliance with the highly erodible land and wetland conservation provisions of 7 Code of Federal Regulations (CFR) part 12 and adjusted gross income provisions of 7 CFR part 1400; and
- Include the eligible land in their entire agricultural or forestry operation

Applicants are encouraged to complete the self-screening checklist on the website.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

NRCS staff monitor project implementation as part of the program. This monitoring may include anecdotal evaluations of project effectiveness beyond project implementation or practice compliance. However, no additional funding is available for habitat, species, or water quality monitoring, either baseline or post-project.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for management of practices beyond what is required in the contract. For CSP, contracted requirements are by definition more extensive than standard NRCS conservation practice requirements.

**Where does funding for the program come from?**

CSP is funded through the Farm Bill, a federal program.

**HOW IT WORKS**

CSP addresses seven resource concerns (soil quality, soil erosion, water quality, water quantity, air quality, plant resources, and animal resources) as well as energy. Each NRCS State Conservationist, in consultation with the State Technical Committee and local working groups, focuses the program on three to five priority resource concerns for their State. The large suite of conservation practices associated with the CSP program is also available online. CSP practices are referred to as “enhancements”: conservation activities that are “installed” at levels that exceed what is simply sustainable given the resource concern, or that exceed the minimum standards of standard NRCS conservation practices.

The applicant applies at the landowner’s local NRCS office. He or she then works closely with NRCS staff to complete a resource inventory on the property using a Conservation Measurement Tool (CMT). The CMT evaluates existing and proposed new activities to calculate conservation performance points which will be used for ranking and payment purposes. If an applicant is preapproved for funding, NRCS requests the applicant’s conservation activity records and conducts on-site field verification to ensure that the information provided is accurate. Once the information is verified, NRCS and the applicant proceed to develop the contract. NRCS makes payments as soon as practical after October 1 of each fiscal year for contract activities installed and maintained in the previous year.

**What policies are followed internally in approving projects or analyzing applicants?**

The NRCS use the CMT explained above to evaluate applications through a point-based system designed to estimate environmental benefits. Applications are evaluated and ranked relative to other applications that address similar resource concerns in the State. In the ranking process, producers get credit both for conservation measures they have already implemented and for new measures they agree to add. Agricultural land and nonindustrial private forest land applications are ranked separately.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

The CSP applicants are ranked at the local NRCS office. Final funding approval is based on total funding allocations to that office, where applications are funded in order of ranking until all projects are funded or the funding for that funding cycle is exhausted.

**Is a formal contract or agreement required?**

Yes.

### **What are key terms of agreement that a landowner would need to know?**

The landowner must complete a CMT, which forms the basis upon which contract compliance will be determined. Producers usually have some sort of conservation plan in place in order to apply for the program, either one that they or someone else has written (this is part of the basis for ranking utilized by the CMT). A standard contract with NRCS is also required.

### **Who are the essential parties to the agreement?**

NRCS and the landowner.

## **BENEFITS and LIMITATIONS**

### **What benefits does the program provide to species or habitats?**

CSP has the potential to improve private land for wildlife in specific, detailed ways, considerably beyond what standard NRCS programs are likely to provide. Examples of enhancements include: incorporation of 15% native grasses into forage plantings, hay harvesting in a manner that allows wildlife to flush and escape, enhancing vegetation for wildlife in riparian areas and non-agricultural areas, installation of structures in forests for wildlife (i.e., nest boxes), stream structure management to allow fish passage, and many more specifically wildlife-focused projects and management changes.

### **How does the program benefit landowners?**

- *Monetarily:* CSP pays participants for conservation performance—the higher the performance, the higher the payment. It provides two possible payment types: annual payments for installing new conservation activities and maintaining existing practices, or supplemental payments for adopting a resource conserving crop rotation.
- *Assurances:* No formal assurances are provided through this program.

### **What are limitations of the program in terms of long-term species conservation?**

Benefits to species are technically limited to the duration of a CSP contract. However, because most CSP contracts involve landowners whose interests extend, by definition, beyond basic land stewardship practices, there may be additional long-term benefits incurred by species and habitat on the land as the landowners may be particularly likely to continue improving and maintaining habitats for wildlife beyond the scope of the project, as long as that land remains under their control.

## **WHERE and WHEN**

### **What habitats, locations, or other spatial restrictions does the project have?**

Eligible lands include cropland, grassland, prairie, improved pastureland, nonindustrial private forest land, rangeland, and agricultural land under Tribal jurisdiction. The entire operation must be enrolled, including all eligible land operated separately that will be under the applicant's control for the term of the proposed contract. Land ineligible for CSP

includes land enrolled in CRP, WRP, GRP, Conservation Security Program, and cropland that was not planted or planted 4 of 6 years prior to the year of the application.

**Are there standard annual application dates?**

No. Applications are accepted on a rolling basis.

**What is the duration of the program?**

The program works on five-year contracts.

**Can the program handle multi-year commitments?**

Yes.

**Are there other relevant time considerations?**

No.

**Big picture: When is CSP the right choice?**

**Landowners**

*This program is a **GOOD** match for landowners who:*

- Are committed to going above and beyond standard conservation practices
- Are willing to focus greater planning and record-keeping efforts on conservation efforts than standard NRCS conservation practices require
- May be interested in transitioning to organic agriculture as a way to benefit species, habitats, water quality, etc.

*This program is **NOT** a good match for landowners who:*

- Are only interested in conservation for regulatory compliance or agricultural efficiency
- Do not want to keep detailed records of conservation and agricultural activities

**Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require more nuance in conservation practice implementation than is normally required
- Require longer-term commitment to conservation practice implementation than is normally required
- Require specific actions by landowners (such as haying timing restrictions to benefit a particular bird species) to benefit wildlife or habitat

*This program is **NOT** a good match for conservation goals that:*

- Take place on private lands other than agricultural or non-industrial forest

**Contact:** A local USDA Service Center. For more information: Pedro Ramos, Assistant State Conservationist for Programs at (801) 524-4552, or Blake Walbeck, NRCS Conservation Stewardship Program Manager at (435) 896-6441 x136.

**Website:** [www.nrcs.usda.gov/new\\_csp](http://www.nrcs.usda.gov/new_csp) or <http://www.ut.nrcs.usda.gov/programs/CSP/index.html>



# **Environmental Quality Incentives Program**

## **(Includes Sage-grouse Initiative)**

The Environmental Quality Incentives Program (EQIP) offers financial and technical help to assist eligible participants install or implement structural and management practices on eligible agricultural land. These practices include techniques for improved grazing and pasture management; opportunities to improve wildlife habitat through upland brush management, seeding, and timing of agricultural practices like haying; invasive plant control or eradication; ways to improve water quality through improved livestock manure management and decreased stream erosion; fencing or streambank stabilization projects to improve riparian health, and many other opportunities.

### **WHO IS INVOLVED**

#### **Who is the lead agency or organization?**

Natural Resources Conservation Service (NRCS).

#### **Who actually administers the program?**

Natural Resources Conservation Service.

#### **Who is eligible to participate in the program?**

Owners of land in agricultural or forest production or persons who are engaged in livestock, agricultural or forest production on eligible land and that have a natural resource concern on the land may participate in EQIP. Applicants must have non-farm average federal adjusted gross incomes under \$\$1,000,000/year.

#### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The NRCS staff monitor projects for completion and compliance with the terms of the contract. No additional funding is provided to NRCS or the landowner for monitoring.

#### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Once the term of the contract has expired, the landowner is not required to continue any management techniques or use of structures, but is encouraged to do so voluntarily. After the contract expires, the landowner may request assistance from NRCS for continuation or enhancement of any projects or for new projects so long as the projects rank highly enough to get funding, and the landowner does not exceed more than \$300,000 of payments over 6 years.

#### **Where does funding for the program come from?**

The program is funded through the congressionally-approved Farm Bill.

## HOW IT WORKS

Agricultural landowners interested in EQIP approach the local NRCS office to sign up. Local NRCS conservationists will help the landowner develop a conservation plan, identify conservation measures and alternatives, and pursue funding through one of the EQIP signup options available in Utah. A list of conservation programs under EQIP can be found on the NRCS Utah website along with a list of possible conservation practices.

### **What policies are followed internally in approving projects or analyzing applicants?**

Priorities for EQIP funding are established with input from Local Work Groups convened by local Soil and Water Conservation Districts (SWCDs), which provide advice to NRCS about natural resource issues and priorities within their counties. EQIP applications are evaluated locally based on these county priorities and are then prioritized for funding. Applications that best address natural resources as described in the ranking criteria are prioritized for funding.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

Local approval for projects is sufficient so long as projects fit within state and national EQIP priorities, which is part of the ranking process.

### **Is a formal contract or agreement required?**

Yes.

### **What are key terms of agreement that a landowner would need to know?**

The landowner generally pays costs of new structures out of pocket, then gets reimbursed. The landowner must agree to submit information on their Adjusted Gross Income to ensure they are below any income-cap limits for receiving funds (e.g. \$\$1,000,000/year off-farm income). NRCS staff inspect structures to ensure they have been built, and examine environmental conditions on the property to ensure that management actions have been appropriately adhered to.

### **Who are the essential parties to the agreement?**

NRCS and the landowner.

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

The benefit to species and habitats will depend heavily on the conservation practices elected by the landowner. Some EQIP projects may have little direct impact on improved wildlife habitat, whereas others may be designed specifically with wildlife in mind. Projects

with wildlife benefits will generally score higher and are more likely to be funded. The range of possible practices is very large, but includes water quality improvements that can benefit fish populations and stream health, certain upland brush management practices that may benefit sage-grouse habitat, and grazing management or fencing projects that improve riparian health, decrease erosion, and allow for improved riparian bird habitat.

**How does the program benefit landowners?**

- *Monetarily:* EQIP provides financial assistance to agricultural landowners, generally providing from 50% to 75% of the funding necessary to install practices such as fences, plantings, manure management structures, etc. In some cases, landowners may also receive direct payments to ensure compliance with wise management recommendations in their conservation plans, such as prescribed grazing or wildlife habitat management.
- *Assurances:* No assurances are provided through this program.

**What are limitations of the program in terms of long-term species conservation?**

The long-term benefit to species and habitats is highly dependent on the willingness of the landowner to continue using new structures such as fences, and implementing management actions such as grazing plans. If landowners maintain structures and continue management practices as laid out in a conservation plan, the potential for long-term wildlife habitat benefit is high. Participants are expected to maintain cost-shared conservation practices for the expected lifespan of the conservation practice.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

EQIP projects are restricted to private agricultural lands and federal lands where there is a grazing lease in place (coordination with the federal land management agency is required).

**Are there standard annual application dates?**

EQIP has several sub programs which all have specific sign-up dates to facilitate ranking, but applications can be turned in at any time.

**What is the duration of the program?**

Contracts last between one and ten years. Management actions funded by EQIP are generally for three years. Structures remain in place as long as they are used or are maintained, often beyond the terms of the contract.

**Can the program handle multi-year commitments?**

Yes.

### Are there other relevant time considerations?

Yes. Non-owner operators (such as grazing leasees) may sign up for EQIP programs only if they have in place a written agreement with the landowner that extends at minimum for the duration of the proposed contract.

## Big picture: When is EQIP the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Need technical planning and implementation support for conservation actions
- Are concerned with complying with federal water or air quality standards
- Have the opportunity on their land to make agricultural management decisions that can benefit wildlife
- May be unable to contribute financially but can contribute labor or other in-kind services toward a conservation project

*This program is **NOT** a good match for landowners who:*

- Are unwilling to allow access to their land
- Are not active agricultural producers
- Do not manage their own land and are unwilling to provide long-term leases to the active operator (perhaps due to an interest in selling the property, etc.)
- Have off-farm annual incomes that exceed the EQIP eligibility income cap

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require substantial financial investments to improve wildlife habitat
- Can be met by addressing specific negative impacts of agricultural operations (overgrazing, water pollution from fertilizer use or livestock management, etc.)
- Also benefit agricultural operations by improving efficiency, reducing costs, or contributing to the long-term sustainability of the agricultural operation

*This program is **NOT** a good match for conservation goals that:*

- Require actions on non-agricultural land
- Require species-specific habitat improvement designs (with the exception of sage-grouse): NRCS can do species-specific planning but must look at the habitat as a whole.

**Contact:** your local District Conservationist at the local USDA Service Center/NRCS office

**Website:** <http://www.ut.nrcs.usda.gov/programs/EQIP/index.html>

# Partners for Fish and Wildlife

The Partners for Fish and Wildlife (PFW) program supports (financially and technically) habitat improvement projects on private lands for the benefit of Federal trust species, such as migratory birds, threatened and endangered species, and other declining species. PFW works with landowners to improve wetland, upland, stream and riparian habitats. The program provides funding and/or technical assistance to landowners who want to change their land management practices while improving habitat for wildlife species. Projects can include, but are not limited to, invasive species control, grazing management, water control installation or replacement, dike construction, stream channel design and construction, riparian plantings, upland plantings, and vegetation manipulation.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

U.S. Fish and Wildlife Service (FWS).

### **Who actually administers the program?**

Regional and state-level coordinators with the FWS administer the program. Field biologists with various agencies may carry out the on-the-ground work.

### **Who is eligible to participate in the program?**

Private landowners (including individuals, tribes, corporations, cities, schools, counties, and others) with land that supports trust species or their habitats.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

FWS employees track the effectiveness of the program in a national database which includes spatial attributes showing what and where, which types of habitats are being worked on, funding sources, and species benefitting from the project. The program does not provide funding to outside sources for monitoring. Monitoring is a coordinated effort between PFW biologists and partners.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The projects are done with private landowners through an agreement where the landowner agrees to implement the project for a minimum of 10 years.

### **Where does funding for the program come from?**

Funding for the program comes from budgetary allocations to the FWS and is authorized by the Fish and Wildlife Coordination Act, the Fish and Wildlife Act of 1956 as amended, and the Partners for Fish and Wildlife Act.

## HOW IT WORKS

Interested landowners work with FWS biologists to design projects that benefit the landowners' operation while improving habitat types for migratory bird species, threatened, endangered or candidate species, species proposed for listing, and other declining species. A biologist from the Partners program meets with the landowner to discuss the type of work proposed and a determination is made if the project qualifies for funding and/or technical assistance. The field biologist will also inform the landowner of any other types of programs that may provide additional assistance and explain how the programs could work together. A contract is developed and implemented. If funding is provided by the FWS, the amount and practices the funds can be used for are specified in the agreement. Other funding sources and amounts are also identified and specified in the agreement. The landowner is reimbursed as work is completed.

### **What policies are followed internally in approving projects or analyzing applicants?**

Determinations of eligibility are made as the projects are reviewed. If there are more eligible projects than there is funding a waiting list is compiled and the unfunded projects are placed at the top of the list for future funding. Funding priority is given to projects that:

- Improve habitat for Federal Trust Species, including migratory birds; threatened and endangered species; inter-jurisdictional fish; marine mammals; and, other declining species.
- Complement activities on National Wildlife Refuge System lands, or contribute to the resolution of problems on refuges that are caused by off-refuge practices
- Address species and habitat priorities that have been identified through Service planning teams (with FWS partners), or in collaboration with state fish and wildlife agencies.
- Reduce habitat fragmentation or serve as buffers for other important federal or state conservation lands.
- Result in self-sustaining systems that are not dependent on artificial structures.
- If other considerations are generally equal, then priority is directed to those projects that link private lands to important federal lands (such as Refuges), have cooperative agreements of longer duration, multiple partners, cost sharing, and the greatest cost effectiveness.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

Approval for projects begins at the local level with a field biologist. After the agreement has been developed, approval from the state coordinator is the final step.

### **Is a formal contract or agreement required?**

A Wildlife Extension Agreement (WEA) is developed for each individual project.

**What are key terms of agreement that a landowner would need to know?**

The WEA specifies what type of work is going to be done, who is responsible for implementing specific portions of the project, what entities are providing funding, and what the funding will be used for. The minimum term the landowner has to agree to leave the specified practices in place is 10 years, and the work specified in the agreement must be completed within a 2 year period.

**Who are the essential parties to the agreement?**

The two required signatures on the WEA are the FWS and the landowner.

**BENEFITS and LIMITATIONS****What benefits does the program provide to species or habitats?**

The program works to restore or enhance upland, wetland, riparian and in-stream habitats. Work is done in areas where improved habitat conditions can benefit identified FWS trust species associated with that habitat type.

**How does the program benefit landowners?**

- *Monetarily*: The PFW program allows landowners to get financial and technical support for conservation goals on their property.
- *Assurances*: No formal assurances are provided through this program.

**What are limitations of the program in terms of long-term species conservation?**

Projects are only required to be maintained for 10 years, although longer terms are possible. The program focuses on habitat restoration, not direct species recovery (such as breeding programs) or species/habitat monitoring beyond project compliance.

**WHERE and WHEN****What habitats, locations, or other spatial restrictions does the project have?**

The primary restriction is that the project has to be done on private or tribally owned property and the project has to benefit one or more of the following groups; migratory bird species, threatened, endangered or candidate species, species proposed for listing, and other declining species.

**Are there standard annual application dates?**

No. Projects are reviewed throughout the year.

**What is the duration of the program?**

The practices implemented have a minimum duration of 10 years. The goal of the program, however, is to implement practices that also benefit the landowners, so that conservation benefits from the practices remain in effect beyond the minimum 10-year requirement.

**Can the program handle multi-year commitments?**

Yes – requires at least 10 year commitments.

**Are there other relevant time considerations?**

No.

**Big picture: When is PFW the right choice?**

**Landowners**

*This program is a **GOOD** match for landowners who:*

- Need technical assistance and/or funding for project implementation
- Have a federal trust species or habitat for those species, on their property
- Are interested in conservation work but may not qualify for assistance from other entities

*This program is **NOT** a good match for landowners who:*

- Are looking for funding for an easement payment
- Do not want a public record of their projects
- Do not want to implement management changes for an extended period of time.

**Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Focus on federal trust species' habitats
- Have medium- to long-term time horizons (~10 years)
- Have high overall costs and it would be beneficial to involve multiple funding sources
- Need flexibility: the PFW program does not require a non Federal match and it can be used for almost any type of on the ground practice that improves habitat for a species of interest. For example, if there are multiple funding partners involved in a project the most effective ways to utilize the Partners program is to identify what types of practices the other programs can assist with and inquire if funding from the Partners program can assist with the ineligible practices. Funding for boundary fencing to help implement a rotational grazing system is a specific example of something that the Partners program could assist with but can't be funded by some other programs.

*This program is **NOT** a good match for conservation goals that:*

- Require habitat work on state or federally owned property
- Do not involve federal trust species
- Do not involve habitat work

**Contact:** Karl Fleming, Utah State Coordinator, at (435)734-6434, Karl\_Fleming@fws.gov; **or** Clint Wirick, Private Lands Biologist, at (435)896-6441x141, Clint\_Wirick@fws.gov

**Website:** <http://www.fws.gov/partners/aboutus.html>



# Utah Grazing Improvement Program

The purpose of the Utah Grazing Improvement Program (UGIP) is to aid ranchers in improving their livestock grazing management practices and ultimately strengthen Utah's livestock industry. Well-managed livestock grazing can be used as a tool for creating and maintaining healthy rangelands, watersheds, and wildlife habitat. The program is not primarily focused on wildlife habitat restoration but can contribute to improvements.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

The UGIP is a division within the Utah Department of Agriculture and Food (UDAF).

### **Who actually administers the program?**

The program is directed from the department's office in Salt Lake City. UGIP coordinators plan projects in five regions throughout the state.

### **Who is eligible to participate in the program?**

Any rancher that grazes livestock on private or public land is eligible to apply.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Project implementation is monitored through field visits by UGIP staff. Ranchers are encouraged to monitor the on-the-ground effectiveness of their own projects; however, UDAF/UGIP staff and funds are also available to help with vegetation response monitoring on a project-by-project basis.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Ranchers are responsible for long-term management on their project areas. Additional work beyond any contracted projects requires reapplication for additional funding. In some cases, adherence to management plans developed as part of the project may be required to receive funding.

### **Where does funding for the program come from?**

The UGIP is funded by Utah's State General Fund.

## HOW IT WORKS

A rancher voluntarily contacts the UGIP coordinator in his region to fill out an application and plan a project. Once the State Grazing Advisory Board (see process below) has approved a project for funding, the rancher meets with his regional UGIP coordinator to sign contract paperwork. Ranchers are required to contribute financially to their projects. If a project has no

other partners involved, UGIP will pay up to 50% of the project cost on private land and 75% on public land. If other partners are providing funds, the rancher is obligated to pay at least 25% of the project cost on private land and 12.5% on public land. Additionally, projects need to be effective for at least 10 years. All infrastructure installed through a UGIP grant must remain on the planned project site.

**What policies are followed internally in approving projects or analyzing applicants?**

In early spring, the UGIP coordinator takes all of that year's applications to his Regional Grazing Advisory Board (board members are appointed by the Commissioner of Agriculture and Food, Leonard Blackham). The board discusses the projects, ranks them, and plans to fund as many projects as possible with that year's allocation from the legislature. All of the projects that are approved for funding in each region are taken to the State Grazing Advisory Board in early April for discussion. The State Grazing Advisory Board approves projects for funding statewide. Once projects are approved, archaeological clearance may be also required prior to implementation of projects involving ground disturbance.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

Regional and state-level approval is required, as explained above.

**Is a formal contract or agreement required?**

Yes.

**What are key terms of agreement that a landowner would need to know?**

Project contracts are valid for one year (July 1 - June 30). If a project will span multiple years, each year's phase must be contracted separately and must have stand-alone land benefits. If a project is on public land, the rancher must obtain written permission from the administering agency before work on the project can begin.

**Who are the essential parties to the agreement?**

The contract is between the State of Utah and the rancher.

**BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

Positive changes in management can cause an increase in the amount of forage available to both livestock and wildlife, improve watershed health, and ultimately increase the productivity and profitability of the ranching operation.

**How does the program benefit landowners?**

- *Monetarily:* The program provides grants to ranchers to give them a financial incentive to enhance the current infrastructure of their operation, allowing them to improve their livestock management.
- *Assurances:* The program does not provide any wildlife-related assurances.

**What are limitations of the program in terms of long-term species conservation?**

Project duration will vary based on rancher implementation and maintenance beyond the requirement that the project remain effective for 10 years.

**WHERE and WHEN****What habitats, locations, or other spatial restrictions does the project have?**

This program only funds projects in areas that are currently grazed by livestock or have the potential to be grazed once the necessary infrastructure is in place. Projects can be implemented on private land or public land with permission from the administering agency.

**Are there standard annual application dates?**

Applications for UGIP grants are available online and need to be turned in to the regional coordinators by November 30 of each year. Projects will be approved for funding by April 15.

**What is the duration of the program?**

There are no set limitations on the duration of the program.

**Can the program handle multi-year commitments?**

Yes, but new contracts are required. Project contracts are valid for one year (July 1 - June 30). If a project will span multiple years, each year's phase must be contracted separately and must have stand-alone land benefits.

**Are there other relevant time considerations?**

No.

## Big picture: When is UGIP the right choice?

### **Landowners**

*This program is a good match for landowners who:*

- Are interested in actively improving their grazing management
- Have wildlife goals that can be addressed through improved grazing practices

*This program is not a good match for landowners who:*

- Cannot contribute financially to the project
- Are unwilling to share information about their activities with federal grazing permitting entities as may be relevant to the project.
- Are uncomfortable allowing aerial photography and/or access to their property for other project inspection/monitoring efforts

### **Conservation Goals**

*This program is a good match for conservation goals that focus on:*

- Improved grazing management, such as vegetation cover/composition on rangeland, invasive weed management, and riparian improvements
- General watershed and rangeland health objectives that can be improved by grazing management changes
- Large-scale project areas: This program is most beneficial economically and ecologically on larger-scale projects that involve increasing cattle distribution and management that controls the time and timing of grazing. Large-scale projects generally have a lower cost per animal unit month (AUM) and have a greater chance of benefiting wildlife and watershed health in addition to livestock. Small-scale projects tend to be less cost-effective and have less overall impact on the landscape.

*This program is not a good match for species goals that require:*

- Monitoring data on wildlife
- Permanent livestock exclusion from the area

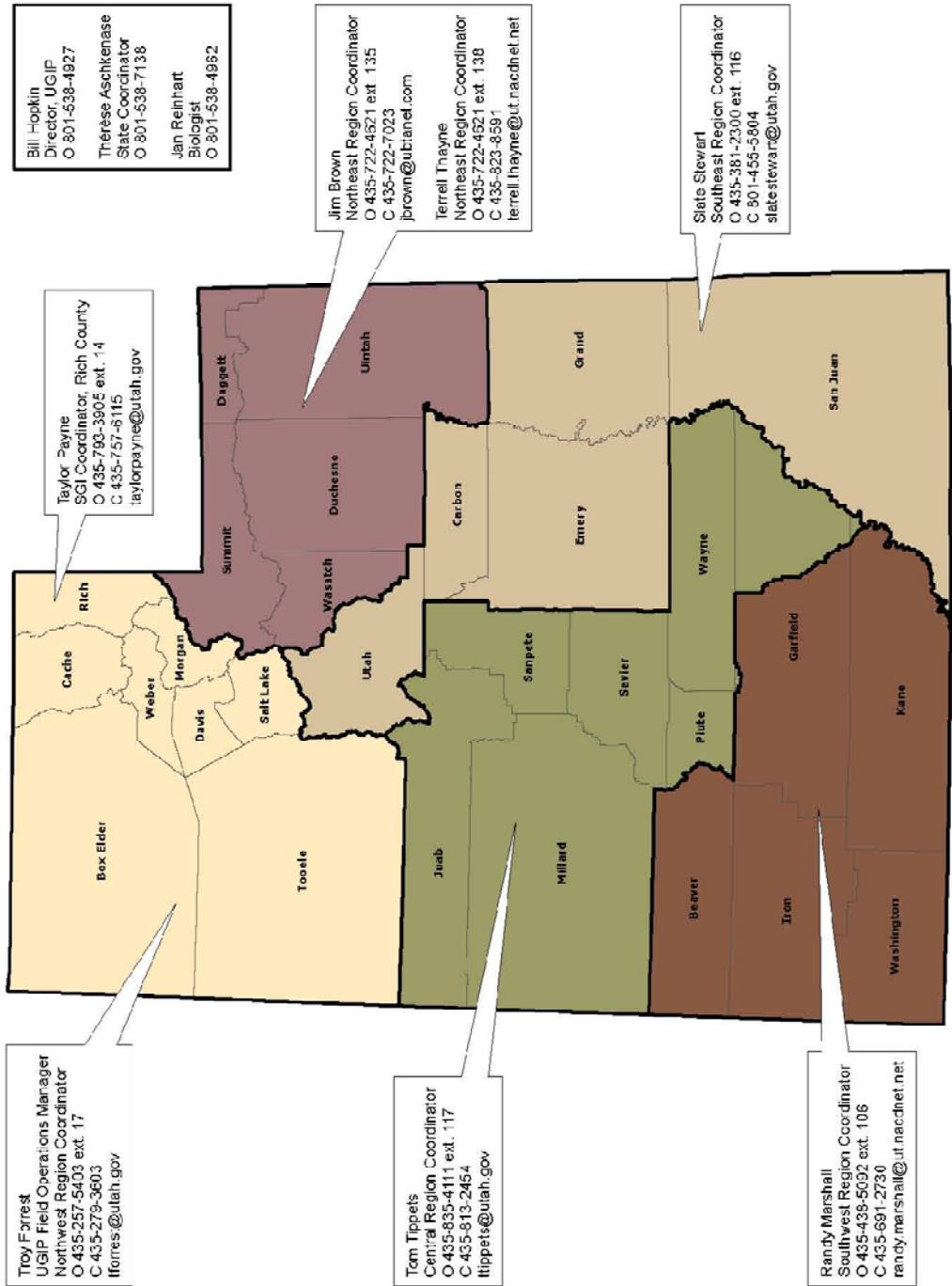
**Contact:** Bill Hopkin, State Director (801-538-4927), or the Regional Coordinator in each area.

**Website:** <http://ag.utah.gov/divisions/grazing/index.html>



### Utah Grazing Improvement Program Regions

(For Information on Projects, Call Your Regional Coordinator Below)



# **Water Quality Improvement Programs**

## **(State Nonpoint Source and EPA 319 funds)**

The Utah Division of Water Quality (DWQ) helps landowners and other agencies improve water quality by providing financial assistance for projects. Two sources of funding contribute to these efforts, EPA 319 funds and State nonpoint source (NPS) funds. Both funding sources help pay for structural practices that improve water quality, such as pollution reduction from run-off, stream and riparian improvement projects, and numerous others.

### **WHO IS INVOLVED**

#### **Who is the lead agency or organization?**

Utah Division of Water Quality (State NPS) and Environmental Protection Agency (319)

#### **Who actually administers the program?**

The Utah Department of Agriculture and Food (UDAF) manages contracts for agricultural and rural watershed projects in Utah funded under Section 319 of the Clean Water Act. The Utah DWQ also directly administers the program for other components of the program. Technical assistance is provided through partnerships with the NRCS, UACD, USU Ext, and other qualified organizations.

#### **Who is eligible to participate in the program?**

Private landowners and other non-federal entities can receive 319 and State NPS funds to improve water quality on land they control.

#### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The UDAF in cooperation with the UACD tracks and manages the financial end of water quality improvement projects funded under Section 319 of the Clean Water Act. DWQ is responsible for coordinating the monitoring of water quality in all impaired waters, regardless of where projects are implemented.

#### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Individuals and organizations who receive financial assistance for water quality projects are responsible for the maintenance of structural practices for the duration of their design life. No funding is provided beyond the installation of the practice for long-term maintenance.

#### **Where does funding for the program come from?**

The Section 319 funding comes directly from the EPA, via the federal budget. State NPS funds are generated from the interest accrued from loans (from the State Revolving Fund) given to municipalities and others to improve water treatment infrastructure.

## HOW IT WORKS

Conservation organizations typically direct eligible participants to apply for water quality improvement funding, including Conservation Districts and local watershed coordinators, co-located within several USDA Farm Service Centers. Local watershed coordinators have the experience and training to help develop project proposals. EPA 319 funds are available at a 60% cost share on projects if stand alone and can go up to but not exceed 80% if combined with other federal funds.

### **What policies are followed internally in approving projects or analyzing applicants?**

Projects are proposed by local watershed coordinators, and reviewed at the state level to ensure they meet water quality improvement objectives.

### **Is the program voluntary?**

Yes. EPA 319 money can also be used to help fund required compliance in circumstances such as reducing pollutant runoff from animal feeding operations.

### **What level of approval is required?**

Projects are approved at the state level by the DWQ and the UDAF.

### **Is a formal contract or agreement required?**

Yes.

### **What are key terms of agreement that a landowner would need to know?**

The landowner must implement, or have a clear plan to implement, the project within two years of when the project is approved for funding.

### **Who are the essential parties to the agreement?**

The essential parties depend on the type of project and who administers the contract. If the project is agriculturally related the contract is initiated between the landowner and the local Conservation District. For other types of projects administered by DWQ the contract is between the project sponsor and DWQ.

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

Projects which improve water quality have the clear potential to improve habitat for aquatic species. Water quality improvement based on stream restoration or other riparian management improvements may also help riparian bird species and others by improving the structure and quality of riparian vegetation as an additional benefit.

**How does the program benefit landowners?**

- *Monetarily:* The NPS pollution reduction programs in Utah provide financial assistance to landowners, reducing the financial burden of implementing projects to improve water quality in areas where waterways do not meet State water quality standards.
- *Assurances:* This program does not provide any regulatory assurances to landowners.

**What are limitations of the program in terms of long-term species conservation?**

Funding for long term maintenance of implemented practices are not provided save for the possibility of receiving future years' funding to expand or enhance existing practices.

**WHERE and WHEN****What habitats, locations, or other spatial restrictions does the project have?**

EPA 319 funds support projects that improve water quality in lakes and rivers listed as "impaired" by the Utah DWQ. Each of six priority river basins receives priority for funding on a rotating basis: Jordan/Utah Lake, Colorado River, Sevier, Cedar-Beaver, Bear River, Weber River, and the Uinta Basin. Focused baseline monitoring begins three years before funding applications are considered. State NPS funds are similarly prioritized but are also available for a broader suite of situations and locations.

**Are there standard annual application dates?**

The application period for EPA 319 and State NPS funds usually runs from the first of April to mid-May each year.

**What is the duration of the program?**

The duration of any project depends on the type of practice installed and the willingness of the landowner/operator to maintain it beyond the term of the contract.

**Can the program handle multi-year commitments?**

Contracts only provide money on an annual basis, but money can be carried over to the next year if a clear plan is in place to spend it within the upcoming fiscal year.

**Are there other relevant time considerations?**

These funds are targeted toward certain areas on a six-year rotating basis, so project funding approval in a given year will depend heavily on the location of the project in Utah.



## Big picture: When are 319 or NPS funds the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Are located in priority watershed areas
- Have the means to generate in-kind match
- Have identifiable water-quality pollution problems, such as agricultural runoff, erosion, and degraded riparian conditions, on their property

*This program is **NOT** a good match for landowners who:*

- Are outside the boundaries of focus areas (the chance of being funded is much lower)

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Address specific water quality problems caused by erosion or lack of management
- Focus on improved riparian vegetation or better livestock management near waterways
- Are for species that occupy waters listed as "impaired"

*This program is **NOT** a good match for conservation goals that:*

- Cannot show a water quality improvement relationship

**Contact:** Jim Bowcutt, DWQ 801-536-4336 or [jdbowcutt@utah.gov](mailto:jdbowcutt@utah.gov)

**Website:** <http://www.waterquality.utah.gov/NPS/index.htm>

# **Wildlife Habitat Incentives Program**

## **(Includes Sage-grouse Initiative)**

The Wildlife Habitat Incentives Program (WHIP) provides both technical assistance and financial assistance to establish and improve fish and wildlife habitat on private land.

### **WHO IS INVOLVED**

#### **Who is the lead agency or organization?**

Natural Resources Conservation Service (NRCS).

#### **Who actually administers the program?**

Natural Resources Conservation Service (NRCS).

#### **Who is eligible to participate in the program?**

Applicants must own or control land and provide evidence that they will be in control of land for the duration of a cost-share agreement.

#### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

NRCS staff monitor project implementation for contracting, and often provide streamlined analysis to determine benefits to wildlife. The projects do not specifically include funding for baseline or post-project vegetation or wildlife evaluations.

#### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Long-term management (beyond the length of the contract) is at the discretion of the landowner. No long-term management is funded through the program, although producers will likely be eligible for other programs that may continue to support conservation efforts.

#### **Where does funding for the program come from?**

Funding comes from the federally-funded Farm Bill.

### **HOW IT WORKS**

Individuals sign-up at the local NRCS office. Applicants work with an NRCS employee to determine limiting factors to wildlife and appropriate conservation practices. They are then entered into a ranking system and compared with other applicants. Depending on the amount of funding available, only high ranking projects may be funded, or all projects may receive funding. Conservation practices that may be included in WHIP contracts include brush management, various wetland, stream and riparian restoration activities, range planting, invasive plant control, habitat management, range management, and others.

**What policies are followed internally in approving projects or analyzing applicants?**

Procedures may change on a yearly basis: the NRCS State Conservationist, with recommendations from the State Technical Committee and other partners, may identify priorities for enrollment in WHIP that complement the goals and objectives of relevant fish and wildlife conservation initiatives at the state, regional, and national levels. The priorities serve as a guide for the development of WHIP ranking criteria in a state. Applications received for WHIP are ranked on a State-wide basis. Generally, projects that benefit sensitive wildlife species and habitats will score highest. Ranking sheets specific to each WHIP fund pool can be found on the Utah WHIP webpage.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

Local NRCS offices determine eligibility; then applications are reviewed and ranked at the state level.

**Is a formal contract or agreement required?**

Yes

**What are key terms of agreement that a landowner would need to know?**

Participants generally enter into a 5- to 10-year cost-share agreement for wildlife habitat development. NRCS payments will pay approximately 75% of the costs. Through reimbursement, NRCS will provide financial assistance to install conservation practices for priority fish and wildlife habitat. Participants are expected to maintain cost-shared conservation practices for the expected lifespan of the conservation practice.

**Who are the essential parties to the agreement?**

The landowner and NRCS.

**BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

WHIP is designed to improve upland, wetland, aquatic, and other types of wildlife habitat, based partially on state priorities. In Utah, those priorities are sage-grouse, upland game, and wetland/riparian. Actual benefit to wildlife depends on the specific practices chosen.

**How does the program benefit landowners?**

- *Monetarily:* Landowners can receive up to 75% payment for most projects implemented.
- *Assurances:* No formal assurances are provided by this program.

**What are limitations of the program in terms of long-term species conservation?**

Contracts are designed to provide benefits to wildlife for up to 15 years. Longer-term benefits to wildlife depend on the landowner's interest in extending management activities beyond the life of the contract.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

All private and Tribal lands in Utah are potentially eligible, including non-agricultural lands. Up to 25% of WHIP funds will be available for long-term cost-share agreements (15 years or longer) to protect and restore essential plant and animal habitat. NRCS can pay up to 90% of the cost to install conservation practices in these long-term agreements. Essential plant and animal habitat includes critical habitat designated under federal and state law, locations of listed or candidate species that can be improved with specific conservation practices, or particularly rare and unique habitats that could support at-risk wildlife species.

**Are there standard annual application dates?**

Application deadlines are announced each year.

**What is the duration of the program?**

Cost-share agreements between NRCS and the participant are for a minimum of one year after completion of the last conservation practice up to 10 years. Agreements generally last from 5 to 10 years from the date the agreement is signed.

**Can the program handle multi-year commitments?**

Yes.

**Are there other relevant time considerations?**

Some specific subprograms (e.g., Sage-grouse Initiative) may have separate sign-up deadlines.

## Big picture: When is WHIP the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Need technical planning and implementation support for conservation actions
- Want to benefit wildlife on their land
- Want to restore sensitive habitats
- Have the opportunity to make land management decisions to benefit wildlife
- May be unable to contribute financially but can contribute labor or other in-kind services toward a conservation project
- Are interested in medium-term (up to 15 years) commitments to wildlife benefits
- May not be eligible for other cost-share programs due to income caps or land use

*This program is **NOT** a good match for landowners who:*

- Are unwilling to allow access to their land
- Have off-farm annual incomes that exceed the WHIP eligibility income cap of \$1 million

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require substantial financial investments to improve wildlife habitat
- Can improve wildlife habitat by changing management
- Address wildlife needs on federally designated critical habitat for listed species

*This program is **NOT** a good match for conservation goals that:*

- Require species-specific habitat improvement designs (with the likely exception of sage-grouse)
- Require detailed baseline or post-project wildlife monitoring data

**Contact:** your local resource conservationist at the local USDA Service Center/NRCS office or Casey Burns, NRCS State Biologist, at 801-524-4566

**Website:** <http://www.ut.nrcs.usda.gov/programs/whip/index.html> (Utah website)

<http://www.nrcs.usda.gov/programs/whip/>. (National website)

# Economic/Financial Incentives

The five programs profiled in this section provide ways for private landowners to benefit financially from conservation efforts. Having species or habitats on private land can be a way to earn money or otherwise see a financial benefit.

- The State of Utah provides two ways – the Cooperative Wildlife Management Unit Program and the Walk-In Access Program – for private landowners to benefit from allowing public access to their property for recreational purposes—hunting, for example.
- The U.S. government provides two options as well. Tax deductions may be available for agricultural landowners who make person investments on behalf of threatened or endangered (listed) species on their property. Conservation banks, which are one form of a “Habitat Credit Exchange,” provide a more complex but long-term opportunity for private landowners with habitat or populations of listed species to sell off-site mitigation credits to others who are negatively impact that species.
- A specific existing conservation bank – for Utah prairie dogs – is also profiled here.

# Conservation Banks

Conservation banking (also known as species or habitat banking, or off-site mitigation) refers to a situation where a parcel of land is specifically protected and managed for certain natural resource values that support listed or otherwise at-risk species. An economic exchange allows land or resources in this bank to be purchased to offset negative impacts to the species or habitat that occur elsewhere. For example, if a housing development would impact the breeding ground of a particular species, the developer could opt to purchase mitigation credits from another individual or entity who would commit to preserving that species and its habitat on a different parcel of land (i.e., conservation bank) in perpetuity. A conservation bank must have a conservation easement, an adaptive management plan, and an endowment sufficient to fund management and operation of the bank in perpetuity.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

The U.S. Fish and Wildlife Service (FWS).

### **Who actually administers the program?**

The FWS administers the program and provides oversight. Easement and endowment holders also have some oversight responsibilities. The bank sponsor/bank owner has responsibility for managing the bank according to the conservation bank agreement. The FWS provides guidance to groups wishing to develop a conservation bank, and oversees the credit exchanges to ensure that transactions meet the mitigation needs.

### **Who is eligible to participate in the program?**

Any entity (or more likely, a group of entities) with a situation potentially conducive to mitigation banking is welcome to propose a bank and work with the FWS to develop it. Eligibility of properties and the exact terms of species protections may narrow the pool of eligible participants based on the needs of the species.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The bank sponsor/landowner is required to manage the bank and monitor the species/habitat as agreed to in the conservation bank agreement and must provide funding for these purposes in perpetuity through establishment of an endowment/trust fund.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The bank sponsor/landowner is required to plan for and fund long-term management through establishment of an endowment/trust fund. The endowment must be fully funded within 5 years of the approval of the bank.

**Where does funding for the program come from?**

The FWS provides technical support for development of conservation banks through regular staff time. Long-term management of the banks is the responsibility of the bank sponsor/landowner and is likely to be funded through a variety of sources, including payments from entities purchasing credits. Once the endowment has been fully funded and has gained sufficient interest income, this account will fund management and monitoring of the bank. Funding sources for the endowment are determined by the bank sponsor/landowner, and must be approved by FWS.

**HOW IT WORKS**

Bank sponsors/landowners or others interested in establishing a conservation bank approach the FWS office responsible for the area in which the bank would be located. The FWS will provide guidance to the landowner and other relevant entities during the process of establishing a bank. Each bank is likely to be unique; however, all banks for a particular species or habitat type will have consistent requirements. FWS provides input regarding the details of the conservation bank agreement, including service areas and crediting methodologies, approves the conservation bank, and releases credits.

**What policies are followed internally in approving projects or analyzing applicants?**

The FWS goes through a detailed evaluation of the specific conservation benefits that a particular conservation bank can provide to a species. Banks which meet the biological requirements for the species and the administrative requirements (conservation easement, long-term funding, and appropriate plans in place) will be approved by the FWS, which will designate how many of what type of mitigation credits can be sold, and will also define an area within which the credits can be sold (i.e., service area).

**Is the program voluntary?**

Yes. Establishment of a conservation bank is entirely voluntary. Purchasing credits in a conservation bank to conserve/mitigate for impacts to species or habitat is also voluntary. However, the FWS must approve the credit transaction and the credit buyer will want to have FWS approval in writing prior to completing a credit purchase.

**What level of approval is required?**

Conservation banks are approved at the regional level within the FWS. Individual credit purchases are approved at the field office level.

**Is a formal contract or agreement required?**

Yes. Both a conservation easement and a Conservation Banking Agreement are required. Other agreements may also be required depending on the specific bank to be established.

**What are key terms of agreement that a landowner would need to know?**

Key required components of the program are: a Conservation Banking Agreement with FWS; a conservation easement held by a third party on the property proposed for the bank;



a long-term management plan; and funding for long-term monitoring and bank management. The exact terms would depend on many factors unique to the situation, including the species' needs and the crediting metrics (for example, 1 acre of habitat may equal 1 credit, a relocated individual of a species may equal 1 credit, etc.).

**Who are the essential parties to the agreement?**

The FWS and the landowner/bank sponsor, also referred to as the “banker.” The required conservation easement would be an agreement between the landowner/“banker” and the easement holder, in which the FWS is named as a third party beneficiary with full rights of enforcement of the easement.

## **BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

Conservation banks provide perpetual protection to a species through land managed specifically for their survival, as a way to mitigate for other impacts to the species or its habitat in a different area. Conservation banks may provide a more effective form of mitigation than smaller or more disconnected mitigation efforts onsite.

**How does the program benefit landowners?**

- *Monetarily:* Landowners who establish conservation banks on their lands are awarded credits which they may sell for whatever price the market will bear. The credit purchases come from individuals/entities that are impacting the species' habitat in other nearby locations and choose to mitigate the impacts at the bank. Landowners/bankers often continue to operate a ranch or other business that is compatible with the species for which the bank was established. The conservation easement portion may also provide tax benefits to the landowner.
- *Assurances:* The primary assurances associated with conservation banks are provided to the purchaser, for whom the bank provides an opportunity to buy credits that are assured by the FWS to adequately address the impacts of their project. However, landowner/bankers also receive the assurances, through the conservation easement, that the land will remain intact and undeveloped into perpetuity.

**What are limitations of the program in terms of long-term species conservation?**

The potential for long-term conservation benefits from this program is very high; no predictable limitations inherent to the program are apparent to the authors.

## **WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

Any non-federal land not already designated for conservation purposes is eligible in principle, although to qualify it must provide the same kinds of species benefits as the land being lost or impacted.

**Are there standard annual application dates?**

No. Conservation banks may be proposed at any time.

**What is the duration of the program?**

Conservation banks provide permanent species protection.

**Can the program handle multi-year commitments?**

Yes – required.

**Are there other relevant time considerations?**

Conservation banks are complex and each situation is unique. Setting up and getting approval for a conservation bank should be expected to take multiple years. Once a particular FWS Field Office has a formalized banking program, subsequent banks that adhere to templates should take less than a year.

## Big picture: When is a conservation bank the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Are interested in financially benefiting from conservation management on their land
- Have long-term interests in conservation
- Have at-risk species and habitats on their land, and the potential to improve, restore, or manage that land for the benefit of those species

*This program is **NOT** a good match for landowners who:*

- Do not want a conservation easement on their property
- Are not prepared for a permanent commitment to conservation management
- Do not want to commit to long-term management and monitoring on their land

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Would benefit from landscape-scale conservation planning
- Are addressing specific impacts (by one or more developers, etc.) to a species or its habitat that cannot be effectively mitigated on-site
- Need a long-term conservation solution
- Rely on private land owned by landowners who cannot financially manage for conservation goals without additional incentive
- Need to find a compromise between threats to the species and conservation goals

*This program is **NOT** a good match for conservation goals that:*

- Require immediate conservation action to save a species
- Involve mitigation of impacts that have already occurred
- Are not conducive to off-site mitigation
- Do not involve threats to species caused by someone willing/required to pay for mitigation (i.e., no potential buyers for credits; if threat is natural, like predation, etc.)
- No likely market exists for potential mitigation credits

**Contact:** The FWS office with jurisdiction over the area where the bank is proposed.

**Website:** <http://www.fws.gov/endangered/landowners/conservation-banking.html>

# Cooperative Wildlife Management Unit Program

Utah's Cooperative Wildlife Management Unit Program (CWMU) assists landowners with game management on their properties. A landowner enrolls a property, which becomes a new hunting unit. Then the unit is given vouchers – redeemable for Utah hunting tags – which they can sell, give, donate, and or keep for their own use. In exchange, landowners must allow some public hunting on the unit: a percentage of the total tag allocation will be given to the public.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

The Utah Division of Wildlife Resources (DWR).

### **Who actually administers the program?**

The Utah Division of Wildlife Resources.

### **Who is eligible to participate in the program?**

Landowner(s) who hold 5000 or more contiguous acres (for mule deer, pronghorn, and turkey) and more than 10,000 contiguous acres (for elk or moose) are eligible to enroll. Groups of landowners with contiguous property that meet the acreage requirements for a given species can enroll their land as an association.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The Utah Wildlife Board requires the DWR to conduct a 5 year review of the CWMU program. For this process, the DWR's Public Wildlife/Private Lands Program forms and oversees a public committee. On individual CWMUs, landowners often provide their own monitoring as part of their management plan. The CWMU Association, a separate entity, helps landowners fund and implement management.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The DWR is formally responsible for wildlife in the state of Utah. However, due the limited manpower and budgets, detailed monitoring of CWMUs is often left up to the landowner. No habitat or other project funding is provided by the program. Some more profitable CWMUs hire their own wildlife biologist to ensure aspects of the management plan are being implemented and met.

### **Where does funding for the program come from?**

The DWR has staff members who manage the Private Lands/Public Wildlife program, and provide law enforcement and biological expertise. Individual landowners bear the responsibility to pay for fees.

## HOW IT WORKS

Landowners apply to the DWR for a CWMU. They are required to also obtain a Certificate of Registration (COR), which is essentially an approval to conduct hunting operations on private land. The COR costs \$450 and must be renewed at the same cost every 3 years. Once the CWMU and its tag allocations have been approved through a public review process, the CWMU becomes a private limited entry hunting unit. The landowner/operator is given vouchers that are redeemable for hunting tags for designated species on that property. Landowners can then generate revenue from the huntable wildlife on their property. CWMUs are publicly huntable areas: maps and Wildlife Board-approved management plans are public information.

### **What policies are followed internally in approving projects or analyzing applicants?**

CWMU applications are reviewed by local DWR biologists, and then are reviewed by both the Regional Advisory Council (RAC) and the Utah State Wildlife Board. The Wildlife Board makes the final decision to accept or reject the CWMU application.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

DWR staff members confirm the eligibility of a property and present it to regional and Utah state-level boards for approval.

### **Is a formal contract or agreement required?**

Yes.

### **What are key terms of agreement that a landowner would need to know?**

The landowners enter and pay for a 3 year COR/contract which guarantees them a certain number of vouchers. The COR can be revoked by either party with 30 day notice. A management plan, approved by the Utah Wildlife Board (through a public input process) and DWR, is required, also acts like a contract between DWR and the landowner.

### **Who are the essential parties to the agreement?**

The DWR holds a COR with the landowner(s)/operator(s).

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

The CWMU program provides habitat and conservation measures. In many cases, having the CWMU allows land to be kept undeveloped, as well as creating a wildlife management focus on the property.

**How does the program benefit landowners?**

- *Monetarily:* Revenue from voucher sales and/or leasing the grounds to outfitters comes directly to the landowner.
- *Assurances:* The program provides landowners with an opportunity to profit from hunting on their property, while maintaining control over access, rules for the property use, and other management decisions.

**What are limitations of the program in terms of long-term species conservation?**

The program has a potential to provide long-term, though not guaranteed, habitat and wildlife protection focus on private lands valuable to game species (and likely others that are not the primary focus of management actions). So long as landowners remain interested, the potential for the program benefiting wildlife and habitats long-term is very high.

**WHERE and WHEN****What habitats, locations, or other spatial restrictions does the project have?**

Essentially none. Any private property (or contiguous group of properties) in Utah that meets the size requirements of the program and supports the wildlife species that the property is being enrolled for is eligible to be a CWMU. The species in question must exist on the land, so its habitat needs to be present on the property.

**Are there standard annual application dates?**

Applications are due to regional DWR offices by August 1 of every year. Final application approval or disapproval occurs by the Wildlife Board at their December meeting.

**What is the duration of the program?**

Standard 3-year contracts are renewable.

**Can the program handle multi-year commitments?**

Yes – required.

**Are there other relevant time considerations?**

No.

## Big picture: When is a CWMA the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Are interested in managing hunting on their land
- Would like revenue from their land without developing it
- Are willing to allow public access to their land
- Are interested in protecting open space and wildlife habitat on their land

*This program is **NOT** a good match for landowners who:*

- Do not want publicity about, or public access to, their land. Note that maps, landowners, and contact information are posted on the DWR website
- Are uncomfortable with hunting

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that focus on:*

- Habitat improvement for large game species
- Habitat improvement for other species (birds, etc.) that utilize big-game habitat
- Landscape level wildlife management on private land

*This program is **NOT** a good match for species goals that require:*

- Species-specific monitoring
- Funding for habitat projects

**Contact:** Boyde Blackwell, Private Lands Public Wildlife Program Coordinator, (801) 538-4776 ,  
boydeblackwell@utah.gov

**Website:** [http://wildlife.utah.gov/HAM/public/info\\_cwmu.php](http://wildlife.utah.gov/HAM/public/info_cwmu.php)

**Association:** <http://www.cwmutahwildlife.org/>

# Utah Prairie Dog Habitat Credit Exchange & Safe Harbor

**UPDHCEP:** The Utah Prairie Dog Habitat Credit Exchange Program (UPDHCEP) is an easement program that provides economic incentives to private landowners for conservation of agricultural lands with existing Utah prairie dog (UPD) occupied habitat. Those lands are preserved in perpetuity for UPD habitat, thereby providing an option for development – which would otherwise be restricted – of UPD habitat elsewhere. The goal is to work towards delisting of the species by aiding in its recovery through compensation for conservation to private landowners, while providing credits to developers to permit otherwise restricted development activities.

**Safe Harbor:** The Utah Prairie Dog Safe Harbor Program is a voluntary Safe Harbor Agreement (SHA), involving landowners whose actions contribute to the recovery of species listed as threatened or endangered under the Endangered Species Act (ESA). The Panoramaland Resource Conservation and Development area (RC&D) has been authorized by the U.S. Fish and Wildlife Service (FWS) to enroll properties under a programmatic umbrella agreement. More on Safe Harbor can be found in SHA summary.

## WHO IS INVOLVED

### Who is the lead agency or organization?

**UPDHCEP:** U.S. Dept. of Agriculture (USDA)/Natural Resource Conservation Service (NRCS)

**Safe Harbor:** U.S. Fish and Wildlife Service (FWS)

### Who actually administers the program?

Both programs are administered by the Panoramaland and Color Country Resource Conservation & Development Councils (RC&D). RC&Ds are nonprofit organizations.

### Who is eligible to participate in the program?

**UPDHCEP:** Private landowners with occupied UPD habitat and a minimum of 40 acres and 20 adult prairie dogs

**Safe Harbor:** Private or other non-federal property owners

### Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?

**UPDHCEP:** The RC&D monitors easement compliance and coordinates species & habitat surveys to document the presence and persistence of UPD. Future monitoring will be funded by the establishment of an endowment fund for each property enrolled in the program, generated by a portion of credit sales earned from the preservation of occupied habitat. Future funding is contingent on the success and self-funding of the UPDHCEP.

**Safe Harbor:** The RC&D will coordinate with the FWS to monitor the species and provide an annual report (to FWS). Currently, there is no established funding source for the program but it is administered by the RC&D as a sister program to the UPDHCEP. Future funding is contingent on the success and self-funding of the UPDHCEP.



**Who is responsible for long-term management, and does the program provide funding for long-term management?**

**UPDHCEP:** The property owner is responsible to manage their land in perpetuity. A one-time upfront payment is provided at the time of easement signing with no additional funding. The property owner may be eligible for NRCS programs providing funding for improved agricultural activities or actions. The RC&D and other agencies can provide technical support. Future funding is contingent on the success and self-funding of the UPDHCEP.

**Safe Harbor:** The property owners are responsible to manage their land according to the agreement for the term established, generally 15 years. The RC&D and other agencies can provide technical support. Future funding is contingent on the success and self-funding of the UPDHCEP.

**Where does funding for the program come from?**

**UPDHCEP:** The pilot UPDHCEP is funded with assistance from former Senator Bennett through a grant from USDA/NRCS with additional contributions provided by: EDF, Utah Division of Wildlife (DWR) and Utah Division of Natural Resources Endangered Species Mitigation Fund (ESMF). The program also receives in-kind support from many organizations including: DWR, ESMF, EDF, NRCS, USU Ext, Utah Farm Bureau Federation, Fabian and Clendenin, and the Utah Prairie Dog Recovery Implementation Program (UPDRIP).

**Safe Harbor:** At this time there is no established funding source for the program but is administered by the RC&D as a sister program to the UPDHCEP.

## **HOW IT WORKS**

**UPDHCEP:** Development of UPD habitat can be allowed if the loss of that habitat can be properly offset. One way to do this is to protect other habitats or pay someone else to do so. The UPDHCEP works like a bank that buys credits from private landowners willing to preserve existing UPD habitat, and then sells those credits to those in need of permitting development of their UPD habitat that would be otherwise restricted by the Endangered Species Act (ESA). The land under permanent protection will be included in the FWS counts needed to reach recovery of the species and ultimately delisting from the ESA. During the Pilot Program, efforts will be focused on high priority areas important for recovery of the species. If successful, the program may grow in scope and be able to accommodate more participants in Iron, Kane, Beaver, Garfield, Piute, Wayne and Sevier counties. The Program is working to acquire UPD Habitat Credits from landowners. Those credits will be made available to buyers for use in cooperation with Iron County's existing Habitat Conservation Plan (HCP). This will continue as funding allows and as supply and demand dictate.

**Safe Harbor:** A Safe Harbor Agreement (SHA) is a conservation incentive to help landowners help endangered species without the liability or threat of additional ESA restrictions. Some property owners may be reluctant to undertake activities that support or attract listed species on their properties, due to fear of future property-use restrictions related to the ESA. To

address this concern, a SHA provides that future property-use limitations will not occur without the landowner's consent. Central to this approach is that the actions taken under the SHA will provide a net conservation benefit that contributes to the recovery of the covered species. More information on how Safe Harbors work can be found in the SHA section of this document.

**What policies are followed internally in approving projects or analyzing applicants?**

**UPDHCEP:** Determinations of eligibility are made as the projects are reviewed. If there are more eligible projects than there is funding, unfunded projects are placed at the top of a waiting list for future funding. Funding priority is given to projects that:

- Provide permanent habitat for UPDs.
- Meet required habitat, landscape and occupancy criteria.
- Address species and habitat priorities that have been identified through planning
- Reduce habitat fragmentation or serve as buffers for other important lands.
- Lean more towards a natural ecosystem that are not necessarily dependent on artificial agricultural activities.
- If other considerations are generally equal, priority is directed to projects that link private lands to other conservation lands or important federal lands (occupied habitat), have cooperative agreements such as Safe Harbors, and the greatest cost effectiveness.

**Safe Harbor:**

- Enrollment of the land must provide a net benefit to the species.
- Landowners must be willing and active cooperators.
- Portion of property enrolled must be at least 10 acres in size.

**Is the program voluntary?**

**UPDHCEP:** Yes.

**Safe Harbor:** Yes.

**What level of approval is required?**

**UPDHCEP:** The RC&D may approve applicant properties at the local level according to a set of program parameters developed through a rigorous and thorough process required by the regulating and governing authorities, including both the FWS and DWR.

**Safe Harbor:** The RC&D must receive an "ok" from the State Field Office of FWS to enroll an applicant property. Enrollment of the property must provide a net benefit to the species. The RC&D has authorization to enroll properties under their programmatic SHA through a "certificate of inclusion" which is designed to speed up the process. With a programmatic SHA, the RC&D holds the associated permit, then may convey the authorization and assurances to multiple other non-federal landowners within a specific region.

**Is a formal contract or agreement required?**

**UPDHCEP:** Yes, a contract between the RC&D and the landowner is required to purchase the easement. The easement and a stewardship plan are recorded in perpetuity.

**Safe Harbor:** Yes, a Safe Harbor Agreement is required.

<http://www.fws.gov/endangered/landowners/safe-harbor-agreements.html>

### **What are key terms of agreement that a landowner would need to know?**

**UPDHCEP:** The agreement is in perpetuity, development of the easement land is not permitted, continued UPD occupation is required, maintaining a baseline habitat is required, and agricultural activities are required in perpetuity. Also, the land will be evaluated and must meet certain requirements. The evaluation includes habitat quality (species richness, average shrub canopy cover, moisture rich vegetation), landscape context (landscape location, barriers to dispersal), and population (persistence and number of prairie dogs present).

**Safe Harbor:** The SHA specifies what type of activities are allowed; if habitat treatments or projects are going to be done, who is responsible for implementing specific portions of the project; what entities are providing funding, and what the funding will be used for. The SHA minimum term is 15 years. If the landowner also participates in a Wildlife Extension Agreement (WEA) with Partners for Fish and Wildlife (PFW), the work specified in the agreement must be completed within 2 years and remain in place for 10 years.

### **Who are the essential parties to the agreement?**

**UPDHCEP:** The RC&D and the landowner.

**Safe Harbor:** The RC&D and the landowner.

## **BENEFITS and LIMITATIONS**

### **What benefits does the program provide to species or habitats?**

The combination of these two programs provides a mechanism to mitigate threats to the species on private lands. Conservation benefits include: reduced habitat fragmentation; maintenance, restoration, or enhancement of existing habitats; increases in habitat connectivity; stabilized or increased numbers or distribution; the creation of buffers for protected areas; and opportunities to test and develop new habitat management techniques.

### **How does the program benefit landowners?**

- *Monetarily:*

**UPDHCEP:** The program provides a one-time upfront payment to voluntary landowners willing to enroll their occupied UPD property in an easement. The financial consideration is established through a yellow-book appraisal process. In addition to the easement value offered is a per credit amount provided to those property owners whose easement value is less than 50% of the appraisal land value.

**Safe Harbor:** The Safe Harbor does not have any direct funding benefit to landowners.

- *Assurances:*

**UPDHCEP:** No assurances provided; no “take” of species or habitat authorized.

**Safe Harbor:** In exchange for actions that contribute to the recovery of listed species on non-Federal lands, participating property owners receive formal assurances from the FWS that if they fulfill the conditions of the SHA, the FWS will not require any additional or different management activities by the participants without their consent. At the end of the agreement period, participants may return the enrolled property to the baseline conditions that existed at the beginning of the SHA.

**What are limitations of the program in terms of long-term species conservation?**

**UPDHCEP:** None, the program provides for long-term species conservation.

**Safe Harbor:** The program is designed to run for 15 years; however, the landowner can choose to withdraw their participation at any time. Then, or after the 15 years if the agreement is not renewed, the program can no longer ensure that conservation actions for the UPD are taking place.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

The UPDHCEP and Safe Harbor program can enroll properties for conservation within occupied UPD habitat located in Iron, Garfield, Piute, Wayne or Sevier counties. To enroll in the UPDHCEP the property must be 40 acres and have 20 adult UPDs. To enroll in a Safe Harbor the property must be at least 10 acres.

**Are there standard annual application dates?**

**UPDHCEP:** No, at this time applications are accepted throughout the year.

**Safe Harbor:** No, applications accepted throughout the year.



**What is the duration of the program?**

**UPDHCEP:** Into perpetuity.

**Safe Harbor:** The program is designed to run for a 15-year term, but the landowner can withdraw from participation at any time. If a property owner sells lands enrolled in SHA, the FWS will honor the agreement and associated permit, providing the new owner agrees to become a party to the original terms. The SHA can be renewed for as long as the property landowner and the FWS mutually agree. If the landowner does not renew the agreement, they are no longer protected from the “take” prohibitions of the ESA that are allowed under the permit.

**Can the program handle multi-year commitments?**

**UPDHCEP:** Required in perpetuity.

**Safe Harbor:** Required, 15 years.

**Are there other relevant time considerations?**

No.

**Big picture: When are these UPD programs the right choice?**

***Landowners***

*This program is a **GOOD** match for landowners who:*

**UPDHCEP:**

- Are open-minded and become conscious of the concept that their agricultural operations and the species can be compatible if managed appropriately
- Are interested in receiving compensation for conservation actions
- Are willing to continue agricultural operations while conserving the species

**Safe Harbor:**

- Have a federal trust species or habitat for those species, on their property
- Are interested in conservation work but may also like the assurances provided
- Need technical assistance and/or funding for project implementation.

*This program is **NOT** a good match for landowners who:*

**UPDHCEP:**

- Are not willing to enroll land into a permanent easement
- Are not willing to allow prairie dogs to occupy land without trapping or killing them
- Are absentee landowners
- Are not willing to work within the terms of an easement or stewardship plan

**Safe Harbor:**

- Are not willing to provide a net benefit to the species
- Are looking for a payment program
- Are not willing to work with local and federal regulatory agencies
- Do not want a public record of their projects
- Do not want to implement management changes for an extended period of time.

## Big picture: When are these UPD programs the right choice?

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

#### **UPDHCEP:**

- Provide Utah prairie dog habitat
- Are in perpetuity
- Include compatible uses such as agricultural and grazing
- Target specific private parcels critical to species recovery or habitat connectivity
- Address issues raised by state, regional and national conservation initiatives

#### **Safe Harbor:**

- Provide Utah prairie dog habitat
- Have medium- to long-term time horizons (15 or more years)
- Have projects that may require technical support or coordination from multiple sources

*This program is **NOT** a good match for conservation goals that:*

#### **UPDHCEP:**

- Immediate or permanent retirement of the land
- Require habitat work on state or federally owned property
- Do not include Utah prairie dogs
- Do not involve habitat preservation

#### **Safe Harbor:**

- Require habitat work on state or federally owned property
- Do not involve Utah prairie dogs or habitat
- Do not involve a net benefit to the species

**Contact:** Erica Wightman, Program Coordinator, (435) 979-1984

**Website:** [www.panoramalandrccd.org](http://www.panoramalandrccd.org); [www.ut.nrcs.usda.gov/partnerships/RC\\_D/index.html](http://www.ut.nrcs.usda.gov/partnerships/RC_D/index.html)

# Endangered Species Tax Deduction

The U.S. government provides a tax deduction to farmers and ranchers who take actions that contribute to the recovery of a species listed by the U.S. Fish and Wildlife Service (FWS) as threatened or endangered. The species must be documented as occurring in the county where the land is located, and the actions taken must be outlined in the recovery plan for the species. There is relatively little guidance on this tax deduction available through the FWS or the IRS, and, as yet, few (if any) documented instances of farmers/ranchers taking this deduction.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

The U.S Internal Revenue Service (IRS).

### **Who actually administers the program?**

The U.S. Internal Revenue Service (IRS).

### **Who is eligible to participate in the program?**

Any farmer or rancher who personally funds and implements actions to aid in the recovery of a federally listed species on his or her land.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The tax code does not appear to require any specific monitoring related to actions taken on behalf of the species. Regardless of whether FWS is involved in the project for other reasons, FWS has no role in monitoring conservation actions or species response in support of the tax deduction. No funding is available either through the IRS or FWS for monitoring.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Long-term management (terms and funding) of the conservation practices put in place by the landowner are the responsibility of the landowner. If management support happens to be available through other programs, it is unrelated to the tax deduction.

### **Where does funding for the program come from?**

The funding is indirect, in the form of a tax deduction from the federal government.

## HOW IT WORKS

An agricultural producer (farmer/rancher) interested in this tax deduction must first confirm two key details: first, that an endangered or threatened species exist in the county where he or she owns property; and second, that a "Final" or "Final Revision" of that species' Recovery Plan is available. This information can be obtained from the FWS endangered species website by

following the directions provided in the second of two fact sheets on this tax deduction developed by the FWS: <http://www.fws.gov/endangered/esa-library/pdf/FAQS.pdf>. Local FWS employees can also help find this information. Once a Recovery Plan has been located, the farmer/rancher may choose to implement actions listed in that plan. FWS employees can help the farmer/rancher understand the recovery plan and conservation actions that might benefit the species. FWS employees cannot provide tax advice or guidance as to the eligibility of the management actions for a federal tax deduction. The farmer/rancher should consult with a tax advisor to better understand if the tax deduction option exists. If the farmer/rancher determines the actions are eligible, expenses paid or incurred by the agricultural producer to implement the conservation actions could be eligible for tax deductions on the producer's next annual federal tax return.

**What policies are followed internally in approving projects or analyzing applicants?**

The FWS has no responsibility or authority for approving conservation actions or to provide advice on what might or might not be eligible for the tax deduction. IRS Code section 175 provides guidance on conservation practice deductions generally, but does not address endangered/threatened species nor recovery plans. Recovery plans should be consulted on what actions will contribute to any given species' recovery.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

No approval or review by the FWS is required or should be expected or solicited. The landowners have ultimate responsibility for determining whether they and their practices are eligible for the tax deduction. Each individual considering this tax deduction should consult with a tax advisor. All deductions are subject to audit.

**Is a formal contract or agreement required?**

No contracts are required, as far as can be determined. Deductions must be claimed via regular tax returns, the relevant legal document for the program. Actions and expenses should be documented per IRS guidance. This likely includes documentation that the species exists in the county, that it is endangered, that it has a recovery plan, and that the conservation actions by the farmer/rancher are called for in that recovery plan.

**What are key terms of the [tax deduction] that a landowner would need to know?**

The amount of the deduction cannot exceed 25% of the taxpayer's gross income from farming. Proof of all relevant expenditures would be required in case of an audit. To claim the deduction, taxpayers must be in the *business of farming* as defined by the IRS (see <http://www.irs.gov/pub/irs-pdf/p225.pdf>). Additionally, if the farmer/rancher chooses to claim a deduction for conservation expenses, he or she cannot also claim an exclusion from gross income for any cost sharing payments received for those expenses through other conservation programs. For example, if the landowner is receiving cost-share through a



Farm Bill program for implementing a conservation practice, they cannot claim both a deduction for their share and an exclusion from income on the federal cost-share payment.

**Who are the essential parties to the agreement?**

N/A

## **BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

The program provides an incentive for agricultural landowners to undertake management actions identified in recovery plans to benefit threatened and/or endangered species.

**How does the program benefit landowners?**

- *Monetarily:* The tax deduction effectively reduces the financial cost to the landowner of investing in conservation practices.
- *Assurances:* No formal assurances are provided to the landowner through this program.

**What are limitations of the program in terms of long-term species conservation?**

The program encourages investment in a wide variety of conservation practices, but does not provide any assurance that the practices will be maintained. Because the amount of the deduction cannot exceed 25% of the taxpayer's gross income from farming, smaller operations interested in larger conservation practices may not be able to deduct the full amount of the project.

## **WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

The tax deduction can only be claimed by taxpayers who are in the "business of farming" as defined by the IRS. This IRS definition does not include those engaged only in forestry or the growing of timber, so conservation expenses on forest lands that are not part of a farming or ranching operation are not eligible. Additionally, there must be threatened or endangered species – *with an approved recovery plan* – in the area.

**Are there standard annual application dates?**

Deductions are included on the producer's regular annual tax return.

**What is the duration of the program?**

The deduction can be claimed beginning with tax year 2009. Future Farm Bills may or may not extend these tax deductions.

**Can the program handle multi-year commitments?**

Yes. Expenses not claimed in one year because they exceed the 25% limit may be claimed in subsequent years.

## Are there other relevant time considerations?

No.

### Big picture: When is this tax deduction the right choice?

#### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have invested financially in conservation projects for species with recovery plans
- Are active agricultural producers with real income from the farm

*This program is **NOT** a good match for landowners who:*

- Do not have threatened or endangered species on or near their property
- Do not want to commit financially to implementing conservation actions
- Are exclusively timber producers

#### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Are specifically identified in the recovery plan of a threatened or endangered species
- Require personal financial investment in projects by private agricultural landowners

*This program is **NOT** a good match for conservation goals that:*

- Seek to generally protect habitat types or non-listed species
- Address the needs of Candidate species (because they have no recovery plan yet)
- Seek to build only temporary habitat, unless additional agreements exist with FWS. (This is because removal of newly created habitat might constitute take if a listed species occupies or uses that habitat.)

#### **Contact:**

- For tax advice: the farmer/rancher's tax advisor
- For assistance locating species recovery plans: the FWS website, the FWS Partners for Fish and Wildlife program, or FWS Recovery Program biologists

#### **Websites:**

- Fact Sheet #1: [http://www.fws.gov/endangered/esa-library/pdf/ES\\_TaxCredit2a.pdf](http://www.fws.gov/endangered/esa-library/pdf/ES_TaxCredit2a.pdf)
- Fact Sheet #2: <http://www.fws.gov/endangered/esa-library/pdf/FAQS.pdf>
- The Tax Guide for Farmers (Publication 225): <http://www.irs.gov/pub/irs-pdf/p225.pdf>
- FWS Information: <http://www.fws.gov/partners/farmBill.html>

#### **IMPORTANT NOTE**

***The information in this summary is intended to be informational only.  
It does not constitute legal tax advice.***

This summary includes the most detailed information on this deduction that is available to the FWS and which was provided to the author by IRS research associates on this topic. Anyone considering this tax deduction will need to determine his or her own eligibility, and that of the actions considered, with help from a tax professional.

# Walk-In Access Program

The Walk-In Access (WIA) Program provides financial incentives to landowners to allow public access – generally non-motorized – to their private land for hunting, trapping or fishing. The Utah Division of Wildlife Resources (DWR) leases the access rights to the land from the landowner. Landowners leasing private property to the DWR for recreational use may receive limited liability coverage and have additional law enforcement presence on their properties. Information about the property, including maps, rules, and other pertinent information for the property, is posted publicly on the DWR website.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Utah Division of Wildlife Resources (DWR).

### **Who actually administers the program?**

Utah Division of Wildlife Resources (DWR).

### **Who is eligible to participate in the program?**

Landowners who meet at least one of the following requirements:

- Own at least 80 contiguous acres
- Own at least 40 contiguous acres of wetland or riparian habitat
- Own or provide access to at least 0.25 miles of stream or river
- Own or provide access to at least a 5-acre pond or lake
- Provide access to isolated public land

To receive extra compensation, landowners may opt to form a WIA Landowner Association if they meet at least one of the following requirements:

- Own at least 320 contiguous acres
- Own at least 160 contiguous acres of wetland or riparian habitat
- Own or provide access to at least 1 mile of stream or river

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

DWR provides discretionary conservation officer patrols. The landowner receives limited liability coverage under Utah State law. In some cases, habitat projects that benefit wildlife may be provided to a landowner in addition to monetary compensation. No specific funding for species or other monitoring is provided to the landowner.

**Who is responsible for long-term management, and does the program provide funding for long-term management?**

Landowners are responsible for all management actions on their property. Habitat projects that improve the property for wildlife may be provided in addition to monetary compensation.

**Where does funding for the program come from?**

Funding for this program is made up entirely of restricted dollars paid by sportsmen. The DWR has also received funding through a federal Voluntary Public Access grant provided through the Farm Bill.

**HOW IT WORKS**

Landowners enrolled in the WIA program receive monetary compensation based upon suitable habitat and wildlife, the amount of land, and the length of time the land or water is enrolled in the program.

**What policies are followed internally in approving projects or analyzing applicants?**

Landowners may be approached by DWR employees or may submit an initial application inquiry through a DWR regional office. Land that meets the criteria will be enrolled in the program. Habitat projects on specific properties must be submitted and approved by one of the following committees: Blue Ribbon Fisheries Council, Habitat Council, or the Watershed Restoration Initiative.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

A DWR representative will evaluate the property to ensure that it meets the requirements of the program.

**Is a formal contract or agreement required?**

Yes.

**What are key terms of agreement that a landowner would need to know?**

Specific responsibilities of each party are outlined on the website. The landowner and DWR work together to ensure that proper infrastructure (signage, parking, etc.) is available on the property. DWR pays for materials and installation.

**Who are the essential parties to the agreement?**

The formal contract is between DWR and the landowner. Access is granted to the public based on the understanding that the terms for property use set by the landowner will be respected by any members of the public, although they are not a formal party to the agreement.

## **BENEFITS and LIMITATIONS**

### **What benefits does the program provide to species or habitats?**

The WIA gives private landowners an incentive to conserve and manage resources that are valuable for wildlife on their property. The exact benefit to wildlife depends on the specific attributes of the property and what species reside there. In some cases habitat improvement projects may be offered and will provide added benefit to wildlife species.

### **How does the program benefit landowners?**

- *Monetarily:* Landowners receive direct financial benefit from participating in the program. Annual payments range from a few hundred to over a thousand dollars per year per property based on acreage, stream miles, etc.
- *Assurances:* Landowners may be covered by limited liability insurance through state law and the DWR provides additional law enforcement.

### **What are limitations of the program in terms of long-term species conservation?**

The program provides incentives for landowners to manage for wildlife, but does not require or even recommend specific management actions.

## **WHERE and WHEN**

### **What habitats, locations, or other spatial restrictions does the project have?**

All land and water enrolled into the WIA program must provide suitable habitat and wildlife for hunting and/or fishing activities.

### **Are there standard annual application dates?**

No. Applications are accepted year round.

### **What is the duration of the program?**

Agreements may be signed for a period of 1-5 years depending on the desire of the landowner. As an incentive to enroll in the program for longer terms, additional compensation is available for every year that the landowner chooses to participate.

### **Can the program handle multi-year commitments?**

Yes.

### **Are there other relevant time considerations?**

No.

## Big picture: When is Walk-In Access the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Want to benefit financially from managing their property in a wildlife-friendly manner
- Are unable to participate in the CWMU program due to acreage requirements
- Want hunting, fishing, or trapping activities to occur on their property

*This program is **NOT** a good match for landowners who:*

- Do not want to allow public access to their property

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require private landowner buy-in and investment in wildlife or conservation values
- Would benefit from increased public interest/buy-in in the conservation value of particular properties
- Require management actions to benefit species for which the property can be leased
- Affect fewer than 1500 acres

*This program is **NOT** a good match for conservation goals that:*

- Would require eliminating hunting, fishing, or trapping on the property
- Need to guarantee unlimited or perpetual access to a property
- Require development of species management plans or monitoring systems

**Contact:** the Walk-In Access coordinator for your local area. See the website for details.

**Website:** <http://wildlife.utah.gov/walkinaccess/>

# Policy Mechanisms

Several federal policies allow landowners with Threatened or Endangered species (or Candidate species) on their land to help those species and gain regulatory assurances through formal planning and project efforts.

- Candidate Conservation Agreements with Assurances (CCAAs) can provide landowners who have Candidate species (those species whose status with the U.S. Fish and Wildlife Service (FWS) is “warranted but precluded”) and some other at-risk species on their property. In exchange for agreement to help the species, landowners are given regulatory assurances by the FWS in the event that the species were ever listed.
- Habitat Conservation Plans (HCPs) and Safe Harbor Agreements (SHAs) are designed to help landowners and species when threatened or endangered species occur on private property.
- All three of these policy options involve coordinated evaluation and planning between the FWS. These processes are thorough and can be time-consuming, but provide a high level of detail and conservation value to species. The National Environmental Policy Act (NEPA) requires that these processes be open for public review and comment.

# Candidate Conservation Agreements with Assurances

Candidate Conservation Agreements with Assurances (CCAAs) are regulatory agreements that encourage landowners to do conservation work for federal candidate and other unlisted at-risk species on their land, in exchange for assurances that if the species were to ever be listed, no more would be required of them (by the federal government) than is already required in the CCAA document. The intent is to provide incentives to private landowners to commit to conservation work for declining species with the broad goal of precluding the need to ever list the species. The program is not a guarantee that the species will not be listed. CCAAs are intended to include conservation measures that address threats over which the landowner has control.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

U.S. Fish and Wildlife Service (FWS).

### **Who actually administers the program?**

U.S. Fish and Wildlife Service (FWS).

### **Who is eligible to participate in the program?**

Any non-federal landowner.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The permit holder (individual or agency) is responsible for monitoring effectiveness of the projects. The FWS monitors compliance with the terms of the contract, but not conservation outcomes. Partner organizations may assist with monitoring.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The permit holder is responsible for undertaking and funding all long-term management agreed to in the CCAA document. The FWS can assist in the search for funding sources external to the CCAA program to support conservation work.

### **Where does funding for the program come from?**

The FWS supports review and development of CCAAs and associated documents when the resources are available to do so. Implementation is the responsibility of the permit holder.

## HOW IT WORKS

A landowner or group of landowners works closely together with several entities to develop the CCAA. This includes state wildlife agency employees, who have current jurisdiction over non-listed species; FWS, which oversees the agreement and incidental take permit application



process; and in some cases, an additional independent permit holder. (For example, an additional permit holder might be involved in situations involving an umbrella CCAA.) The landowner and biologists inventory the species and habitats on the private land, and design a plan for conservation measures to be taken by the landowner to increase the conservation benefit to the species. Beyond active on-the-ground conservation measures, other measures may include modifying or committing to not undertake activities which would harm the species. Depending on the species biology and the complexity of the projects proposed, this process may take several years. Many steps are required to create a plan for conservation actions and determine whether the actions meet the standard for CCAA approval. FWS handles the required National Environmental Policy Act (NEPA) review, Federal Register posting, and public comment period.

**What policies are followed internally in approving projects or analyzing applicants?**

CCAAs are not part of a grant program and are non competitive. Applications that meet all biological and administrative requirements will be approved. Criteria include:

- Take of covered species will be incidental to an otherwise lawful activity
- Direct and indirect effects of take will not appreciably reduce the likelihood of survival and recovery in the wild of any species
- Applicant has capability to and commits to implementing all of the terms of the CCAA
- The benefits of the CCAA conservation measures, when combined with the benefits that would be achieved if it is assumed that conservation measures were also to be implemented on other necessary properties, would preclude or remove any need to list the covered species.

**Is the program voluntary?**

Yes

**What level of approval is required?**

Once the draft CCAA has been reviewed by (and generally written jointly with) local FWS biologists, regional approval is required. In addition, NEPA review and a public comment period are required processes prior to final approval of the incidental take permit and the CCAA, which are approved separately but through approximately the same channels.

**Is a formal contract or agreement required?**

Yes.

**What are key terms of agreement that a landowner would need to know?**

Landowners agree to implement a set of conservation measures as outlined in the agreement. In return, they are provided with an incidental take permit which becomes active in the case that the species is ever federally listed. A CCAA does not provide assurances with regard to any state wildlife laws.

**Who are the essential parties to the agreement?**

FWS, the landowner, and any third-party permit holder, if applicable.

## BENEFITS and LIMITATIONS

### What benefits does the program provide to species or habitats?

Possible benefits vary considerably based on the threats to a species that the landowner has an ability to address. The standard of conservation to be applied is that *if* the same conservation measures agreed to in one CCAA were to be applied across all other necessary properties, it would collectively preclude any need to list the species. Actually implementing those changes on “other necessary properties” is not required. This standard may be easier to determine for species with small ranges, and fewer, clearly defined, more manageable threats. For landscape-scale species or highly migratory species, it may be more difficult to define “conservation measure” under a CCAA.

### How does the program benefit landowners?

- *Monetarily:* No financial benefits are available to landowners through this program.
- *Assurances:* As part of the approval process for a CCAA, landowners are provided with an incidental take permit which becomes active in the case that the species is ever federally listed. This permit allows the private landowner to manage their lands, as agreed in the CCAA, without worrying about being in violation of ESA. Unless the species gets listed, a landowner is not at risk of illegal “take” of the species because take of a non-listed species is not prohibited by federal law. The take would include instances related to the conservation measures as well as otherwise lawful routine activities. A CCAA does not provide assurances with regard to any state wildlife laws. In addition, while a species remains unlisted, the landowner also has assurances that the FWS will not impose additional requirements as long as they are complying with the CCAA.

### What are limitations of the program in terms of long-term species conservation?

Approval of a CCAA implies that the actions being taken provide a long-term conservation benefits for the species. This long-term benefit will depend on where the enrolled properties are located relative to the driving factors threatening the species. One limitation is that because a CCAA is entirely voluntary, the landowner can exit the agreement for any reason, forgoing both benefits and assurances.

## WHERE and WHEN

### What habitats, locations, or other spatial restrictions does the project have?

Any non-federal land with habitat or individuals of a Candidate or other “at-risk” species could qualify for a CCAA. The landowner must have control over the threats to the species on that land. Early involvement of FWS personnel during the preliminary site inventory can identify situations or land that would not qualify.

### Are there standard annual application dates?

No. A CCAA can be initiated at any time.

### What is the duration of the program?

This depends on factors such as the time needed to realize conservation benefits.

### Can the program handle multi-year commitments?

Yes. In most cases, multi-year commitments would be necessary.

### Are there other relevant time considerations?

CCAAs may take multiple years to finalize, depending on the complexity and resources the landowner and the FWS have available.

## Big picture: When is a CCAA the right choice?

This program requires a formal permit holder who is responsible for enforcing the terms of the CCAA and ensuring that adequate monitoring is conducted. Any third-party permit holder must have relevant authority over the species or habitat.

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have a federal Candidate or declining species, or habitat for one, on their property
- Want federal assurances to cover incidental take in case the species is ever listed
- Are willing to implement conservation measures to improve or maintain the value of the habitat on their property
- Have property which is particularly important for the survival of the species
- Have control over actions that can benefit the species
- Have the time and resources to commit to developing a complex document/plan

*This program is **NOT** a good match for landowners who:*

- Are unwilling to allow access for federal and state biologists to conduct an inventory of the property with respect to species conservation goals
- Are uncomfortable with the public comment process required for CCAA approval
- Cannot undertake actions on their property sufficient to meet the standard for approving a CCAA, due either to the characteristics of the property or other reasons

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Focus on a species with clearly defined threats and populations
- Can be achieved effectively on private ground (within landowner control)
- Can be monitored at relatively low expense
- Are based on enough knowledge of the species to identify specific threats

*This program is **NOT** a good match for conservation goals that:*

- Need rapid regulatory action to address threats or conserve a species
- Require monitoring that may be difficult for the permit holder to conduct or finance
- Require changes in management out of the control of the property owner (e.g, oil and gas leasing, transmission lines, etc).

**Contact:** A local FWS field office, for referral to the appropriate specialist within the agency.

**Website:** <http://www.fws.gov/endangered/what-we-do/cca.html#cca>

# Habitat Conservation Plans

When someone wants to conduct a project (like a housing development) that might unintentionally have a negative impact (i.e. “incidental take”) on a federally listed species, a Habitat Conservation Plan (HCP) is a required part of an application for an “incidental take permit” that will allow him or her to implement the project while staying in compliance with the Endangered Species Act. The HCP describes how the applicant will mitigate and reduce the impact to the species as the project moves forward. If the “incidental take permit” is issued, it provides the applicant with the assurance that within the timeframe of the HCP, the federal government will not require additional measures to protect the species (no new requirements or restrictions) beyond those already in the HCP.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

U.S. Fish and Wildlife Service (FWS).

### **Who actually administers the program?**

U.S. Fish and Wildlife Service (FWS).

### **Who is eligible to participate in the program?**

Any non-federal landowner or project proponent with a project that is likely to incidentally take a listed species may participate in the program. The project proponent decides whether to pursue developing an HCP and apply for a permit. To be eligible for a permit, the project proponent must have control over the implementation of the project and conservation requirements in the HCP and permit.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

A monitoring plan is one required element of the HCP. Three types of monitoring are required: HCP and permit compliance, HCP conservation program effectiveness, and effects of the HCP to the species. In general, the permit-holder is responsible for ensuring that all the required monitoring occurs, but the FWS is also responsible for monitoring for HCP compliance. In some cases, monitoring may be done in coordination with other federal, state, academic, etc., efforts. The FWS reviews the monitoring reports and coordinates with the permit-holder if any action is needed.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The permit holder is responsible for long-term management as stipulated in the HCP. One of the regulatory permit issuance criteria is that the applicant demonstrates that funding is ensured for full implementation of the HCP. FWS does not provide management funding.

### **Where does funding for the program come from?**

The applicant is responsible for funding the development of the HCP and typically contracts a qualified biological consultant to do so. The ESA Section 6 grant program can award grants to qualified State wildlife agencies to support development of HCPs. These grants tend to be awarded to regional landscape-scale HCPs. Technical assistance and review of HCPs and associated documents by FWS field and regional office staff is funded out of the relevant office's budget. Although the required National Environmental Policy Act (NEPA) process and documents are ultimately the FWS's responsibility for the Federal action of issuing a permit, the applicant typically pays for a consultant to conduct this process, because workload and lack of adequate funding and staffing prevent FWS from completing this in a timely manner. How implementation of the HCP will be funded will depend on what the applicant has identified in the HCP as assured funding. Applicants are expected to fund the HCP; FWS does not provide funding for mitigation, monitoring, or other project-related actions.

## **HOW IT WORKS**

An applicant has the option to develop an HCP entirely on his or her own and present it to the FWS for review, processing, and public comment. The recommended process, however, is for the applicant to approach the FWS early on. The FWS local field office will typically help determine the risk of incidental take, which will help the project proponent decide whether to apply for a permit. FWS biologists and administrators then guide the applicant through the process of developing the HCP – including designing the proposed measures to minimize impacts to species, developing mitigation strategies to offset impacts, and meeting the requirements of the permitting process and the required NEPA review. The necessary components of a completed permit application are a standard application form, a draft HCP, a draft Implementation Agreement (if appropriate), and a draft NEPA analysis. Opportunities for public comment on the draft HCP and NEPA documents are required. The length and number of required review periods vary. The FWS must prepare a biological opinion under section 7 of the ESA and usually does this concurrently with development of the HCP. The FWS and the third-party contract consultant prepare responses to the public comments and finalize the NEPA analysis documents while coordinating with the applicant's finalization of the HCP. The FWS also prepares a Set of Findings that demonstrates that the HCP meets all the regulatory permit issuance criteria. Finally, upon signature of the final documents at the FWS regional office, the permit is issued with appropriate terms and conditions for a specified duration.

### **What policies are followed internally in approving projects or analyzing applicants?**

If the HCP meets all regulatory issuance criteria and contains all the mandatory components, the FWS must issue the incidental take permit.

### **Is the program voluntary?**

Yes. After assessing the risk of violating the take prohibitions of the ESA (FWS can provide technical assistance for this), the project proponent would decide whether or not to proceed with the HCP process to ensure ESA compliance.

**What level of approval is required?**

Incidental take permits (for which the HCP is required) are issued by US FWS Regional Directors and most of the decision documents must be approved at that level. (Utah is part of the FWS's Mountain-Prairie Region. The Regional Office is based in Denver.) However, some documents that must be prepared in conjunction with the HCP are approved by the relevant FWS Field Office (Utah's is based in Salt Lake City). If the Field Office, with approval from the Regional Office, determines that a project qualifies as a low-effect HCP, the Field Office approves the supporting documents, but the Regional Office issues the permit.

**Is a formal contract or agreement required?**

It depends. Generally, the permit serves as the document that legally binds the permittee to the terms of the HCP. However, some HCPs involve complex sets of actions for which multiple entities are responsible. In such cases, an Implementation Agreement (IA) may be developed that outlines such responsibilities. The IA is typically signed by at least the permittee and FWS, and may include other involved parties. Some FWS Regions require IAs for all HCPs. The Mountain-Prairie Region prefers IAs, but is flexible.

**What are key terms of agreement that a landowner would need to know?**

Required elements of an HCP include: 1) An assessment of impacts likely to result from the proposed taking of one or more federally listed species, 2) Measures that the permit applicant will undertake to monitor, minimize, and mitigate for such impacts, the funding available to implement such measures, and the procedures to deal with unforeseen or extraordinary circumstances, 3) Alternative actions to the taking that the applicant analyzed, and the reasons why the applicant did not adopt such alternatives, and 4) Additional measures that the Fish and Wildlife Service may require. In addition to the biologically relevant details in the HCP, the agreement must include terms for how the compliance and effectiveness will be monitored. Also, there is a requirement that public input be part of the permitting process, as part of compliance with NEPA. Take permitted by the permit must be *incidental* to the activities proposed, even if it is predictable; it cannot be intentional.

**Who are the essential parties to the agreement?**

The FWS and all applicants (potentially multiple private and/or state entities for larger-scale or regional HCPs).

## **BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

HCPs should be designed to address how to minimize negative impacts as well as offset the impacts to the species from the covered activities. Such measures must be consistent with actions needed to recover the species, and ideally would contribute to recovery. Most impacts covered by HCPs are those associated with habitat degradation or loss, and the mitigation in such HCPs typically involved habitat protection and management in perpetuity at a level commensurate with the impacts. HCPs are also a useful tool for larger-scale, multi-

species, or landscape-level conservation. Such a comprehensive and coordinated approach would reap greater benefits for the species and their habitats than working on multiple smaller individual HCPs in a piecemeal manner. Regional HCPs also streamline project approval and “incidental take” coverage for individual project proponents who sign up.

#### **How does the program benefit landowners?**

- *Monetarily:* No direct financial payments to landowners come from HCP development. However, the long-term economic impact of developing an HCP is complex; for example, there could be a financial benefit from being able to continue a project which would otherwise need to be redesigned or halted to avoid illegal take.
- *Assurances:* Under the FWS’s “No Surprises” Rule, permittees are assured that if unforeseen circumstances arise, the FWS will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level agreed to in the HCP without the consent of the permittee. The FWS will honor these assurances as long as permittee is fully complying with the terms and conditions of the HCPs, permits, and other associated documents, and the survival and recovery of the species is not jeopardized.

#### **What are limitations of the program in terms of long-term species conservation?**

HCPs are designed to contribute as much as possible to long-term species conservation by reducing/offsetting the impacts of otherwise legal activities as much as possible. Ideally, the process results in improvements for the species, but the formal purpose is to help private actors have as little impact as possible when impact to the species is unavoidable.

## **WHERE and WHEN**

#### **What habitats, locations, or other spatial restrictions does the program have?**

Any non-federal land with at least one federally listed wildlife species or its habitat is eligible for an HCP. HCPs cannot be used when the only species impacted is a listed plant or a non-listed wildlife species. However, plants and non-listed wildlife species can be addressed in an HCP that is developed for listed wildlife species. If federal land, a federal agency, or a federal action is involved, HCPs are not an option (a Section 7 consultation between the involved federal agency and the FWS is then required).

#### **Are there standard annual application dates?**

No. Applications for incidental take permits, and requests for assistance developing an HCP, are accepted at any time.

#### **What is the duration of the program?**

The duration of an incidental take permit depends on a number of factors, including time needed for the covered activities and conservation measures to be implemented, time needed to realize the conservation goals and objectives of the HCP, and the level of uncertainty regarding impacts and conservation. Duration of permits have varied from a

few years up to 100 years, but such longer durations are now rare due to uncertainties associated with impacts from climate change, etc. Although the permit has an expiration date, the mitigation measures in an HCP are often enforceable into perpetuity, especially mitigation requiring habitat protection and management.

**Can the program handle multi-year commitments?**

Yes.

**Are there other relevant time considerations?**

Depending on the situation, HCPs may be straightforward or extremely complex. The process could take several months to several years in more complicated scenarios.

**Big picture: When is an HCP the right choice?**

**Landowners**

*This program is a **GOOD** match for landowners who:*

- Have a threatened or endangered (non-plant) species, or its habitat, on their property
- Anticipate that projects they are planning could result in incidental take of that species

*This program is **NOT** a good match for landowners who:*

- Are implementing projects with a federal nexus (for example, projects that include federal funding, land, permits, etc.) – in that case, HCPs are not the right mechanism.
- Do not need/want assurances in case of incidental take of the species
- Do not anticipate that activities would result in incidental take of a listed (non-plant) species
- Would prefer to cancel the project instead of going through the required public comment period and associated Federal Register announcements
- Are unwilling to allow access to their property for project and species monitoring
- Are proposing projects that jeopardize the continued existence of a listed species or significantly modify its designated critical habitat

**Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require minimizing and mitigating (off-setting) impacts from incidental take that would result from a non-federal action on non-federal land
- Need to involve multiple species, including unlisted species, in a comprehensive plan

*This program is **NOT** a good match for conservation goals that:*

- Focus on species that would not be affected by the proposed activity
- Involve a project with a federal nexus
- Focus on a federally listed species in immediate jeopardy for survival. The FWS cannot offer – or would need to rescind – regulatory assurances in that situation.

**Contact:** Any FWS biologist (in a state or a field office)

**Website:** <http://www.fws.gov/endangered/what-we-do/hcp-overview.html>

**More details here:** [http://www.fws.gov/endangered/esa-library/index.html#hcp\\_policy](http://www.fws.gov/endangered/esa-library/index.html#hcp_policy)



# Safe Harbor Agreements

Safe Harbor Agreements (SHAs) provide an incentive to private landowners and others to contribute to the recovery of listed species. Landowners who are willing to implement management changes or projects that benefit a listed species can receive assurances that doing so will not increase regulations or restrictions on how they use their land. They can also receive a permit authorizing take of listed species incidental to their routine activities.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

U.S. Fish and Wildlife Service (FWS).

### **Who actually administers the program?**

U.S. Fish and Wildlife Service (FWS).

### **Who is eligible to participate in the program?**

Any non-federal property owner can participate. Whole parcels or portions of the owner's property may be enrolled in the SHA. Property owners also can enroll in an existing programmatic or "umbrella" SHA that is designed for a region or an entire state and is administered by a state or local agency or other entity.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The FWS monitors project implementation and agreement compliance. This includes baseline and return-to-baseline species or habitat monitoring (explained elsewhere in this summary), which is used to determine compliance with the net benefit requirement of the SHA. Although FWS is ultimately responsible for monitoring compliance in implementation and take, a typical SHA monitoring program would build in other means of monitoring – especially for regional or umbrella agreements. In those cases, the state agency or other permit holder usually undertakes the on-the-ground monitoring and reports to FWS. Any additional monitoring is the responsibility of the landowner to conduct and fund.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for long-term management and the funding for it.

### **Where does funding for the program come from?**

FWS employees provide technical assistance and guidance on development of SHAs as part of their regular budgeted activities. The applicant/landowner is responsible for ensuring that the conservation plan is funded. However, other funding sources, such as Partners for Fish and Wildlife, may be available to help fund projects.

## HOW IT WORKS

The landowner voluntarily agrees to implement management actions that will contribute to the recovery of a listed species for a specified period of time. They work with FWS to develop the agreement and a management plan. This includes an inventory of the species, habitats, management and maps of the property to describe baseline conditions. The baseline description becomes part of the SHA. This may include species population numbers and/or distribution data or habitat conditions and extent. The draft SHA also includes conservation measures to benefit the species. Using the draft SHA, the landowner formally applies to the FWS for an “Enhancement of Survival” permit, which authorizes incidental take of the listed species. After internal FWS review, as well as an official public comment period, SHAs which meet regulatory requirements and permit issuance criteria are formally approved.

### **What policies are followed internally in approving projects or analyzing applicants?**

Approval is not a competitive process. Generally, all SHA which meet regulatory requirements and permit issuance criteria are approved.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

SHAs are approved internally by the FWS at the regional office level. Utah’s regional office is located in Colorado but FWS biologists based in Utah assist with SHA development.

### **Is a formal contract or agreement required?**

Yes.

### **What are key terms of agreement that a landowner would need to know?**

The landowner agrees to a baseline survey and access for future monitoring work. The agreement includes proposed management actions and other conservation measures to benefit the species, information from the baseline survey, duration of agreement, and other details relevant to the proposed conservation needs or efforts. The assurances provided to the landowner ensure that no additional restrictions will be placed on the property for the SHA-covered species. The SHA is required for the application to receive a permit which authorizes incidental take of the covered species.

### **Who are the essential parties to the agreement?**

FWS and the landowner(s). In the case of a programmatic or umbrella SHA, an entity, such as the State wildlife agency or local Resource Conservation District, typically signs the SHA and holds the master permit. Landowners interested in enrolling in such a SHA would obtain a certificate of inclusion from the master permit holder by agreeing to the measures and conditions in that SHA rather than writing a separate SHA. In return, they would receive the assurances and incidental take authorization. These larger SHAs may involve

other partners who contribute to the conservation strategy or assist enrollees in implementing the conservation measures if desired.

## **BENEFITS and LIMITATIONS**

### **What benefits does the program provide to species or habitats?**

The program provides private landowners with an incentive to make direct conservation improvements for listed species. The benefit to the species is progress toward recovery in the form of habitat improvement, reduced fragmentation, increased abundance, etc. A net conservation benefit is required even if the property returns to baseline condition.

### **How does the program benefit landowners?**

- *Monetarily:* There are no financial benefits for landowners through this program.
- *Assurances:* The landowner receives regulatory assurances that he or she can alter or modify property enrolled in the SHA and return it to originally agreed upon “baseline” conditions at the end of the agreement (even if this means incidentally “taking” the covered species). Authorization of take above the baseline condition is provided through an incidental take permit. Assurances for neighbors can also be provided if neighbors are willing to allow baseline surveys, provide access to the property for monitoring and conservation if necessary, and sign an agreement for such assurances.

### **What are limitations of the program in terms of long-term species conservation?**

Although many species may benefit, SHAs are only designed specifically to benefit listed species. SHAs are not perpetual, so cannot provide that certainty for species, but a SHA can be renewed. SHAs allow the property owner to return to baseline conditions and also allow incidental take in the process, but an overall net conservation benefit is still required.

## **WHERE and WHEN**

### **What habitats, locations, or other spatial restrictions does the project have?**

The program is restricted to non-federal land where listed species or the habitat of those species is found.

### **Are there standard annual application dates?**

No. SHAs can be initiated at any time.

### **What is the duration of the program?**

The duration of SHAs is determined during the writing phase, and is designed to ensure that the conservation projects and actions will have time to provide a net benefit for the species. SHAs can be renewed at the end of the contracted time period.

### **Can the program handle multi-year commitments?**

Yes – required.

## Are there other relevant time considerations?

Safe Harbor Agreements may take anywhere from several months to several years to develop, depending on the complexity of the project and other factors.

### Big picture: When is Safe Harbor the right choice?

#### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have a threatened or endangered species, or associated habitat, on their property
- Want to contribute to recovery of listed species
- Want the flexibility to return to a baseline condition (habitat condition, number of species, etc.) at some point in the future, after providing species benefits.
- Would like regulatory assurances for incidental take
- Might be interested in a longer-term commitment but are not ready to take that step
- Have interest in conservation goals but encounter concerns from their neighbors

*This program is **NOT** a good match for landowners who:*

- Are not interested in providing a benefit for listed species
- Are not comfortable allowing access to their property for project and species monitoring
- Are managing their land or undertaking conservation activities that are unlikely to result in incidental take of listed species.
- Are unwilling to go through the required public comment period and associated Federal Register announcements

#### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Involve at least one listed species
- Include management changes or project implementation to improve habitat
- Could benefit a species in a medium term timeframe (~10 years)
- Require private landowner participation

*This program is **NOT** a good match for conservation goals that:*

- Do not provide for a net conservation benefit before the return to baseline conditions
- Need to offset the impacts of development or other activities with negative impact
- Simply require small or easily defined actions to benefit a species
- Require immediate action to preserve a species

**Contact:** Any FWS office. See the FWS website for contact information.

**Website:** <http://www.fws.gov/endangered/landowners/safe-harbor-agreements.html>

# Getting the Work Done: Resources

Several programs in Utah provide crews that can help with the hard labor of big conservation projects, without breaking the bank.

Three organizations in Utah that can provide paid crews to do conservation work are profiled here.

- The Utah Conservation Corps (UCC)
- Canyon Country Youth Corps (CCYC)
- American Conservation Experience (ACE)

Each organization brings teams of young people to work on conservation projects.

# American Conservation Experience

American Conservation Experience (ACE) organizes crews of youth (age 18 to 30) to conduct conservation work. Crew projects, which are typically through project partnerships with federal, state and local organizations, do projects such as invasive species removal, wetland restoration, tree planting, habitat assessment/monitoring, pinyon-juniper removal, native plant work, etc. In addition, ACE has an internship program, the Emerging Professionals Internship Corps (EPIC), which provides college graduates and grad students with opportunities to work in their chosen fields through partnerships with local, state, federal, nonprofit and private organizations who have a conservation related purpose. For example, the EPIC program could place a newly trained wildlife biologist in a situation where they could conduct biological inventory work to determine the effects of a particular conservation project on wildlife species or habitat.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

American Conservation Experience (ACE), a private nonprofit, unaffiliated youth conservation corps.

### **Who actually administers the program?**

American Conservation Experience (ACE).

### **Who is eligible to participate in the program?**

Any private landowner can request a contract crew or intern for conservation work.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Project leaders are responsible for ensuring that crews and interns meet the needs of the project. No long-term monitoring of species or habitats is included unless specifically included in the contracted plans; in that case the project partner/landowner would provide funding for the monitoring. Any other monitoring is the responsibility of the landowner.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The work ACE does is only for the time they are actively working on the projects. If a project requires a long term commitment, landowners are responsible for upkeep and funding of future work.

### **Where does funding for the program come from?**

Land managers pay a fee for the service provided by the crews of volunteers. Material costs must be covered by the entity requesting the work. ACE does not provide funding or assistance with any materials.

## HOW IT WORKS

A landowner (or agency partner) approaches ACE with a project in mind which needs labor or internship support. Once funding is in place to pay ACE for the crew or intern placement, a cooperative agreement is written, work is scheduled, and crews or interns are selected and assigned to the project.

### **What policies are followed internally in approving projects or analyzing applicants?**

All projects appropriate for a youth corps are accepted, then implemented based on availability of volunteers. Interns are also approved based on availability of volunteers with appropriate skills as well as a determination of the appropriateness of the project situation for an internship. Criteria include whether the intern will be able to benefit professionally from the project.

### **Is the program voluntary?**

Yes.

### **What level of approval is required?**

N/A

### **Is a formal contract or agreement required?**

Yes.

### **What are key terms of agreement that a landowner would need to know?**

Example key terms that any contract would contain: Crews are fee-for-service and cannot be asked to do work other than contracted.

### **Who are the essential parties to the agreement?**

ACE, the agency, the funding organization.

## BENEFITS and LIMITATIONS

### **What benefits does the program provide to species or habitats?**

The species benefit depends on the type of project. Habitat restoration – upland, riparian, or other – is one common result of crew work. Internships may benefit species indirectly through monitoring, by contributing knowledge of the impacts of habitat work on species, or directly if the internship involves hands-on contract conservation work.

### **How does the program benefit landowners?**

- *Monetarily:* Landowners have access to an inexpensive supply of skilled labor to assist with conservation projects.
- *Assurances:* No regulatory assurances are provided; written contracts provide assurances that the work will be completed as planned.

**What are limitations of the program in terms of long-term species conservation?**

The benefit of any projects to long-term species conservation is limited primarily by the landowner's ability to maintain the conservation value of the project beyond the actual implementation phase. ACE is not responsible for any long-term management not included in the contract.

**WHERE and WHEN**

**What habitats, locations, or other spatial restrictions does the project have?**

All projects need to be conservation related, but can benefit any species or habitat in Utah. There are no land ownership restrictions; ACE crews and internships can work on federal, state, county, or private land if allowed by the landowner.

**Are there standard annual application dates?**

No. Work is done year round as appropriate to the project type.

**What is the duration of the program?**

The duration of any project is determined by the contract. Most projects last several weeks to several months, depending on the time required to implement the work. Internships may occur over longer timescales.

**Can the program handle multi-year commitments?**

Yes.

**Are there other relevant time considerations?**

ACE can be responsive to very short term requests.



## Big picture: When is ACE the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Are interested in youth development
- Want to implement labor-intensive conservation projects on their land
- Have funding available to pay for labor
- Want to use limited conservation funding efficiently

*This program is **NOT** a good match for landowners who:*

- Have construction intensive projects that require large heavy equipment operation (ACE has small mechanical equipment but generally uses hand labor to implement projects)

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Require substantial on-the-ground labor to implement projects
- Require relatively long term availability of people to do conservation work(multiple weeks/months)
- Can benefit from assistance from trained interns able to assist with project implementation or monitoring (i.e., wildlife, habitat, project results, etc.)

*This program is **NOT** a good match for conservation goals that:*

- Do not require a constant presence either short or long term; for example, random times, a day here and a day there, etc.
- Require project planning assistance (ACE provides primarily implementation crews, not skills planning or engineering assistance)

**Contact:** Shane Barrow 801-946-2722

**Website:** [www.usaconservation.org](http://www.usaconservation.org) (still under construction, no internship section yet)

# Canyon Country Youth Corps

The Canyon Country Youth Corps (CCYC) provides crews of youth ages 16-24 to do outdoor habitat restoration and similar work in the Colorado Plateau. Much of the work involves invasive tree removal (tamarisk and Russian olive) for river and wildlife habitat restoration.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

Four Corners School of Outdoor Education (FSC).

### **Who actually administers the program?**

Four Corners School of Outdoor Education (FSC).

### **Who is eligible to participate in the program?**

Any private landowner can request a CCYC crew. Most often, private landowners will have an existing partnership (such as a conservation easement or forest management plan) with a federal or state agency or private conservation NGO, but such partnership is not required.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

Crews are responsible for ensuring that all work is completed as contracted. CCYC does not conduct biological monitoring. After projects are completed, the landowner is responsible for funding and arranging any monitoring that they desire.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

The landowner is responsible for any management after the crew work has been done.

### **Where does funding for the program come from?**

Youth Corps crew members and program expenses are paid by the project partner and/or landowner who contracts the crew, through payments as contracted to FCS.

## HOW IT WORKS

A landowner contacts the FSC directly, or through a partnership with established CCYC partners such as the Tamarisk Coalition, The Nature Conservancy, the Utah Division of Forestry, Fire and State Lands, or others. CCYC staff members determine whether the work to be done is of appropriate scope and purpose to be handled through a youth corps crew. Crews are then scheduled, recruited, and the work takes place. The project partner or landowner pays Four Corners School as work is completed.

**What policies are followed internally in approving projects or analyzing applicants?**

Projects are contracted based on the ability of a youth crew to accomplish the needed work safely and effectively. Availability of crews may restrict the number of projects CCYC can accept in any given time period. Partners requesting projects must be able to pay for a crew.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

The FSC staff determine whether the project is appropriate for a Youth Corps crew. Any related permits (water quality?) need to be obtained separately from the appropriate entities. FCS may be able to assist with this process but the landowner is the final responsible party.

**Is a formal contract or agreement required?**

Yes.

**What are key terms of agreement that a landowner would need to know?**

Scope of work, payments, equipment to be provided, etc.

**Who are the essential parties to the agreement?**

Landowner, partner organization if any, and Four Corners School/CCYC.

**BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

The program has the potential to improve riparian habitats, particularly those with invasive plants that need to be removed to restore native vegetation. Other habitat improvement projects include pinyon/juniper encroachment removal, trail maintenance, and fence construction.

**How does the program benefit landowners?**

- *Monetarily:* The program allows landowners to contract trained crews, at relatively low cost, to do work that would be too time consuming or expensive for a private landowner to do on his or her own. No financial incentives are provided to landowners.
- *Assurances:* This program provides no regulatory assurances.

**What are limitations of the program in terms of long-term species conservation?**

Projects are one-time implementation. Maintenance of the work done depends on the landowner's interests and abilities.

## **WHERE and WHEN**

### **What habitats, locations, or other spatial restrictions does the project have?**

The CCYC works primarily on the Colorado Plateau, which covers approximately the southeastern half to a third of Utah, as well as several other states.

### **Are there standard annual application dates?**

No. Although most activity occurs during the summer months, Youth Corps crews may be available year round when weather permits.

### **What is the duration of the program?**

Most projects done by the Youth Corps are put in place as negotiated based on needs of the project sponsor and capabilities of CCYC. Project length varies, with a minimum of two weeks.

### **Can the program handle multi-year commitments?**

Yes, long-term partnerships involving multi-year projects are welcome.

### **Are there other relevant time considerations?**

Crew scheduling is based on a variety of factors such as weather and recruitment efforts, so project timing may not occur on exactly the schedule desired by a landowner.

## Big picture: When is CCYC the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have habitat restoration needs on their property beyond their ability to address
- Have significant tamarisk invasions, pinyon/juniper encroachment, or rivers in need of other forms of restoration
- Have an existing conservation easement held by an agency or nonprofit project partner

*This program is **NOT** a good match for landowners who:*

- Need habitat work done on a small scale or hourly basis
- Want to direct the work being done themselves
- Cannot pay for crew time

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Need to improve riparian habitat with Russian olive or tamarisk issues
- Are possible to do with a hand crew (e.g. chainsaws)
- Require pesticide or herbicide applicator permitted work

*This program is **NOT** a good match for conservation goals that:*

- Require heavy machinery (such as large rock placement for streambank restoration)
- Cannot provide extensive work for a full crew (such as spot treatments)
- Involve biological inventory, monitoring, etc.

**Contact:** Four Corners School of Outdoor Education, 800-525-4456

**Website:** <http://www.fourcornersschool.org/canyon-country-youth-corps>

# Utah Conservation Corps Project Crews

The Utah Conservation Corps (UCC) is an AmeriCorps program dedicated to improving the quality of public lands and the communities surrounding them through partnership projects, service, and education. Crews are available to assist on short-term projects to provide labor to implement projects such as woody plants removal, conservation-related fencing projects, weed mapping, and other habitat restoration work.

## WHO IS INVOLVED

### **Who is the lead agency or organization?**

The Utah Conservation Corps (UCC) is based at Utah State University.

### **Who actually administers the program?**

Utah Conservation Corps (UCC).

### **Who is eligible to participate in the program?**

The UCC can work on any project that benefits conservation and the public good.

### **Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?**

The UCC is a fee for services organization. It can provide tools and training for ongoing assessment, but this would have to occur during the field season (roughly April to November) and would need to have funding in place to happen.

### **Who is responsible for long-term management, and does the program provide funding for long-term management?**

Landowners are responsible for funding and conducting all long-term management after the crews complete their work. UCC does not provide ongoing support or maintenance for projects.

### **Where does funding for the program come from?**

The UCC is primarily funded through an AmeriCorps grant from the Utah Commission on Volunteers and generates other needed revenue through partnership projects. 42% of the UCC's funding comes from AmeriCorps, 33% comes from partnering agencies and landowners, and the rest comes from nonprofit organizations.

## HOW IT WORKS

The UCC works with various federal, state, and local sponsors on a fee-for-service basis on projects that cannot be completed on volunteer labor alone. UCC charges \$2800 to \$3100 (depending on level of technical needs) for a crew of four for one week of work. Crew members are chainsaw-trained, have access to specialized tools such as GPS units, and are

herbicide applicator certified. Crews builds trails, fences, map weeds, and conduct large scale habitat restoration projects.

**What policies are followed internally in approving projects or analyzing applicants?**

The UCC would consider any project that can demonstrate a benefit to conservation or to the public.

**Is the program voluntary?**

Yes.

**What level of approval is required?**

The UCC staff review and approve possible projects.

**Is a formal contract or agreement required?**

Yes. The UCC would require a letter of agreement and would invoice after completion of the projects.

**What are key terms of agreement that a landowner would need to know?**

This UCC provides tools, transportation, and a self-contained, four-person crew. The landowner would need to provide initial project orientation and a camping space that includes a source for water.

**Who are the essential parties to the agreement?**

UCC and the contracting landowner, municipality, etc.

## **BENEFITS and LIMITATIONS**

**What benefits does the program provide to species or habitats?**

Although species benefit depends on the location and purpose of the project, riparian restoration work can improve habitat for a variety of terrestrial and aquatic species in those riparian areas. Weed mapping can be the first step toward addressing habitat degradation issues that can impact a wide variety of upland, riparian, and other species.

**How does the program benefit landowners?**

- *Monetarily:* The UCC is a cost effective source of labor for conservation projects.
- *Assurances:* No regulatory assurances are provided.

**What are limitations of the program in terms of long-term species conservation?**

The UCC is best suited to short term projects, so long-term benefit to species and habitats depends primarily on the willingness of the landowner to maintain projects long term.

## WHERE and WHEN

### What habitats, locations, or other spatial restrictions does the project have?

The UCC can work anywhere in the state of Utah and portions of Idaho and Wyoming.

### Are there standard annual application dates?

Projects need to be scheduled by March or early April to be considered for that years' work.

### What is the duration of the program?

The UCC is a better fit for temporary species/habitat protection, as most projects are time-limited in nature (generally in the range of several weeks).

### Can the program handle multi-year commitments?

Yes, where funding is secure.

### Are there other relevant time considerations?

The UCC's primary season of operation is April through November but it can accommodate winter projects in some circumstances.

## Big picture: When is UCC the right choice?

### **Landowners**

*This program is a **GOOD** match for landowners who:*

- Have a need for woody invasive removal, fencing, or weed-related projects
- Have a clear project vision but lack the labor to complete a project

*This program is **NOT** a good match for landowners who:*

- Cannot demonstrate a conservation benefit of the work they need to have done
- Cannot pay directly for labor costs

### **Conservation Goals**

*This program is a **GOOD** match for conservation goals that:*

- Benefit a wide variety of users (i.e. have a public benefit)
- Involve removal of tamarisk invasion or similar riparian/woody plant problems
- Require weed mapping

*This program is **NOT** a good match for conservation goals that:*

- Require extremely technical projects that do not have separate technical oversight.

**Contact:** Dave Bastian, Northern Utah Program Coordinator 435-797-0964 ext. 3; or Rachael Senft, Southern Utah Program Coordinator 435-764-4788

**Website:** [www.utahconservationcorps.org](http://www.utahconservationcorps.org)



## Additional Resources and Funding Information

This document is specifically focused on programs that provide education, planning assistance, or technical assistance for conservation work on private land in Utah. It does not include many programs whose primary purpose is to provide funding for projects or other conservation work designed without the involvement of those funders. However, there are a wide variety of those resources available. This following list highlights just a few places to look for additional information.

- The Utah Watershed Restoration Initiative (WRI) provides funds through the Utah Partners for Conservation and Development (UPCD) groups. <http://wri.utah.gov/wri/>
- Additional private groups and organizations advocate for and often help fund conservation work in Utah. A partial list of involved organizations:
  - Sportsmen for Fish and Wildlife <http://www.sfwsfh.org/>
  - Wild Turkey Foundation <http://www.nwtf.org/>
  - Mule Deer Foundation <http://www.muledeer.org/States/utah.html>
  - Rocky Mountain Elk Foundation <http://www.rmefutah.org/>
  - Pheasants Forever <http://www.pheasantsforever.org/>
  - Trout Unlimited <http://www.tuutah.org/>
  - National Audubon Society
    - Wasatch Audubon: [www.wasatchaudubon.org](http://www.wasatchaudubon.org)
    - Great Salt Lake Audubon: [www.greatsaltlakeaudubon.org/](http://www.greatsaltlakeaudubon.org/)
    - Bridgerland Audubon (Cache Valley): [www.bridgerlandaudubon.org](http://www.bridgerlandaudubon.org)
    - Red Cliffs Audubon (St. George): [www.redcliffsaudubon.org](http://www.redcliffsaudubon.org)
- A large compilation of grant opportunities for funding sources to manage invasive tamarisk can be found at: <http://www.tamariskcoalition.org/FundingResources.html>
- The Nature Conservancy's Conservation Gateway has a document, compiled in early 2011, that highlights funding sources for freshwater conservation nationally. <http://www.conservationgateway.org/file/compendium-financing-sources-and-tools-fund-freshwater-conservation>
- Utah Quality Growth Foundation's LeRay McAllister Critical Land Conservation Fund. Although the LeRay McAllister Fund is technically just a funding source for a limited number of open space and conservation easements in Utah, the office often serves as a coordination point for multiple entities working on easement planning and funding. Direct landowner requests are not taken; landowners would need to work through another easement-holding entity. Easements funded by the Fund are generally held by either the Department of Agriculture and Food or the Department of Natural Resources. <http://www.governor.state.ut.us/planning/opland/allocation.htm>

- Software and training sessions to assist land managers and planners calculate the long-term costs of conservation-related management on a specific property are available through the Center for Natural Lands Management (CNLM), a nonprofit organization in California and Washington. Their approach includes due diligence (reviewing the title report, tax bills, itemizing all stewardship and/or conservation easement compliance activities); considering the condition, management objectives, and surrounding land use of the property; itemizing each purchase or activity; including appropriate administrative and adaptive management costs; and using calculating how to translate annual costs into an endowment amount. This process and software may be useful for:
  - Conducting perpetual stewardship cost analyses for mitigation lands (as is now the standard in California, according to CNLM),
  - Land trusts contemplating (non-mitigation-related) acquisitions or determining endowment targets for donated lands or easements,
  - Agencies looking to better understand the long-term costs of land acquisitions
  - Consultants assisting landowners or easement holders with long-term planningThe software (called PAR: Property Analysis Record ©) is available for purchase from CNLM. Specifically-tailored seminars may also be arranged. See their website, [www.cnlm.org](http://www.cnlm.org) for additional details.

## Acronym List and Alphabetical Index of Programs

<b>Acronym</b>	<b>Full Name</b>
ACE	American Conservation Experience
AGI	Adjusted Gross Income
BRLC	Bear River Land Conservancy
BOSAC	Basin Open Space Advisory Council
CBCP	Community-Based Conservation Program (Utah State University)
CCA	Candidate Conservation Agreement
CCAA	Candidate Conservation Agreement with Assurances
CCC	Commodity Credit Corporation
CCYC	Canyon Country Youth Corps
CD	Conservation District
CFR	Code of Federal Regulations
CMT	Conservation Measurement Tool
COR	Certificate of Registration
CRP	Conservation Reserve Program
CSP	Conservation Stewardship Program
CTA	Conservation Technical Assistance
CWMA	Cooperative Weed Management Areas
CWMU	Cooperative Wildlife Management Unit Program
DNR	Utah Department of Natural Resources
DSPR	Utah Division of State Parks and Recreation
DWQ	Utah Division of Water Quality
DWR	Division of Wildlife Resources
EBI	Environmental Benefits Index
EDRR	Early Detection Rapid Response
EPA 319	Environmental Protection Agency, Section 319 program
EPIC	Emerging Professionals Internship Corps
EQIP	Environmental Quality Incentives Program
ESAP	Eastern Summit County Agricultural Preservation/Open Space Comm.
ESMF	Endangered Species Mitigation Fund
FCS	Four Corners School
FFSL	Division of Forestry, Fire, and State Lands
FLP	Forest Legacy Program
FOA	Friends of Alta
FRPP	Farm and Ranch Lands Protection Program
FSA	Farm Service Agency
FSP	Forest Stewardship Program
FWS	United States Fish and Wildlife Service
GRP	Grassland Reserve Program
HCP	Habitat Conservation Plan

MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NIFA	National Institute of Food and Agriculture
NPS	Nonpoint source [pollution]
NRCS	Natural Resources Conservation Service
OVLT	Ogden Valley Land Trust
PAR	Property Analysis Record (software)
PFW	Partners for Fish and Wildlife
QRM	Quality Resource Management Program
RAC	Regional Advisory Council
RC&D	Resource Conservation and Development Areas
SGI	Sage-grouse Initiative
SHA	Safe Harbor Agreement
SLC	Summit Land Conservancy
SWCD	Soil and Water Conservation Districts
TC	Tamarisk Coalition
TNC	The Nature Conservancy
UACD	Utah Association of Conservation Districts
UCC	Utah Conservation Corps
UDAF	Utah Department of Agriculture and Food
UFB	Utah Farm Bureau
UFBF	Utah Farm Bureau Federation
UGIP	Utah Grazing Improvement Program
UOL	Utah Open Lands
UPD	Utah Prairie Dog
UPDHEP	Utah Prairie Dog Habitat Credits Exchange Program
UPDRIP	Utah Prairie Dog Recovery Implementation Program
USDA	United States Department of Agriculture
USFS	United States Forest Service
USU Ext	Utah State University Extension
VRLPA	Virgin River Land Preservation Association
WAP	Wildlife Action Plan (Utah Division of Wildlife Resources)
WEA	Wildlife Extension Agreement
WHIP	Wildlife Habitat Incentives Program
WIA	Walk-In Access Program
WRP	Wetlands Reserve Program

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