

**Cooperative Conservation
Blueprint Project Report
July 21, 2008**

**CONSERVATION INCENTIVES
TOOLKIT**

*Current Conservation
and Incentive Mechanisms
for Biodiversity Conservation*

Federal and State of Florida

Prepared for the Florida Fish and Wildlife Conservation Commission
by
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Defenders of Wildlife

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Acknowledgements

Introduction to the Cooperative Conservation Blueprint

The purpose of this paper is to provide a thorough review of options available to landowners in Florida that can bring value to their lands when those lands are left in primarily their natural or agricultural condition. A primary goal of the Cooperative Conservation Blueprint, as well as the Century Commission for a Sustainable Florida and the Defenders of Wildlife, is to help Florida landowners retain value and ownership in their lands in order to keep those lands from converting to more intensive uses.

By maintaining a sufficient and sustainable amount of natural and rural open space in the landscape, Florida's critical natural resources, such as clean air and water, habitat and the services provided by ecosystems such as forests and wetlands, can be sustained well into the coming centuries. In partnership with the array of public conservation lands to support Florida's environment, a healthy stock of private natural areas and agricultural working lands must also be maintained for the production of food and fiber, and uphold the economic asset that Florida agriculture represents.

In order to maintain that economy and the natural resource base that supports all of the activities and quality of life in Florida, landowners must be able to create and obtain value from their landholdings. The objective of this report is to provide a snapshot of and guide to obtaining the most relevant incentives for landowners across Florida, by virtue of state, local and federal programs, grants and policies, to maintain and bring additional value to their lands.

This report lists all known existing Florida and federal incentives, and a selection of local options, and is the most comprehensive account of its kind to date. There are likely far more local measures and practices that exist among county and municipal governments in Florida and elsewhere, and those incentives are being further investigated and tracked for future iterations of the report.

CONSERVATION INCENTIVES TOOLKIT

A How-To Use Guide

The goal of the Conservation Incentives Toolkit is to provide landowners and others interested in undertaking conservation actions on their land an easily accessible guide to the incentive mechanisms, funding opportunities, and technical support programs available for these projects.

The Conservation Incentives Toolkit follows a taxonomy modified from a Defenders of Wildlife report published in 2006. This report, titled “Incentives for Biodiversity Conservation: An Ecological and Economic Assessment,” outlines the types of conservation incentives available to private landowners and assesses the effectiveness of these spending programs for meeting biological conservation goals. Conservation incentives include any policy, program, institution or economic instrument that motivates and assists landowners to conserve and/or restore native species, habitat and ecosystem functions on their land. In the Toolkit we have simplified the terms and definitions used in the taxonomy to make them more user friendly. We have also added several additional categories to encompass funds available for land acquisition and national and state grant programs and included a glossary explaining the different categories in the back of the report.

The Toolkit includes a Chart, Report, and Glossary that should be used together. The programs are listed in the Chart by the major category and subcategory they best fit. Additional compatible categories are listed in the following column. Next is availability for use by various types of landowners, availability in Florida, and availability to state, county or municipal government, with website locations and statutory language included in the last two columns.

Major categories include Land Acquisition, Grant programs, Conservation Alternatives, Property Incentives, Market-Based programs, Financial Incentives, Tax Incentives, and Assistance programs. Referencing the chart is the first step to determine which programs a landowner may be eligible to use. Once a program or programs of interest have been identified, a landowner should move on to the Report for further details about eligibility, how to use the program, and where to go for more information. The Glossary provides definitions and help in understanding some of the unfamiliar terminology used in the Chart and Report.

SECTION I

CONSERVATION INCENTIVES TOOLKIT CHART

CONSERVATION AND INCENTIVES PROGRAMS	Additional Categories	Pg #	In FL	For Private Land-owners or NGO	For Agency, State, County, or Local Gov't	Program Website application information	Statute or Rule weblink to exact volume or section and page number of Federal and statute
I. LAND ACQUISITION		2.1					
1. 2008 Tax and Budget Reform Commission Update	Conservation Easement	2.1	Yes	Yes	Yes	Not Available at this time	ARTICLE VII, SECTION 3(g), Constitution of the State of Florida
2. County Land Acquisition Programs	Grants	2.1	Yes	No	Yes	www.tpl.org	Not Available at this time
3. Florida Forever Act Land Acquisition Program, 2008 Legislative Update	Conservation Easement	2.2	Yes	Yes	Yes	http://www.dep.state.fl.us/lands	http://www.leg.state.fl.us/Statutes (search Florida Statutes s. 259.105)
4. The Land and Water Conservation Fund (LWCF)	Conservation Easement, Grant Programs	2.2	Yes	No	Yes	http://www.nps.gov/lwcf	http://www.fws.gov/laws/lawsdigest/lwcons.html
II. GRANTS		2.4					
1. Acres for America Program-National Fish and Wildlife Foundation	Land Acquisition, Conservation Easement	2.4	Yes	EDU, Non-Profits	Yes	http://www.nfwf.org/Content/NavigationMenu/Grants/	Not Available at this time; email to: southeast@fws.gov
2. Coastal and Estuarine Land Conservation Program (CELCP)	Land Acquisition, Conservation easement	2.5	Yes	Yes	Yes	http://coastalmanagement.noaa.gov/land/welcome.html	http://www.law.cornell.edu/uscode/16/1456.html

CONSERVATION AND INCENTIVES PROGRAMS	Additional Categories	Pg #	In FL	For Private Land-owners or NGO	For Agency, State, County, or Local Gov't	Program Website application information	Statute or Rule weblink to exact volume or section and page number of Federal and statute
3. Florida Endangered and Threatened Plant Conservation Program		2.6	Yes	Yes	Yes	http://www.fl-dof.com/forest_management/plant_conservation_index.html	See Section 6 of the Endangered Species Act
4. Landowner Incentive Program (LIP)	Technical assistance, Cost-Share	2.6	Yes	Yes	No	http://federalaid.fws.gov/lip/lipguidelines.html	www.epa.gov/fedrgstr/EPA-IMPACT/2002/October/Day-01/i24859.htm
5. Neotropical Migratory Bird Conservation Act Grants	Land Acquisition	2.7	Yes	Yes	Yes	http://www.fws.gov/birdhabitat/Grants/NMBCA/	http://uscode.house.gov/download/pls/16C80.txt
6. North American Wetlands Conservation Act Grants Program (NAWCA)	Conservation Easements, Land Acquisition	2.8	Yes	Yes	No	http://www.fws.gov/birdhabitat/Grants/NMBCA/	http://ipl.unm.edu/cwl/fedbook/nawca.html
7. State and Tribal Wildlife Grants Program	Conservation easements, Cost-Share, Land Acquisition, Technical Assistance	2.8	No	No	Yes (State, Tribal)	http://myfwc.com/wildlifelegacy/	http://www.fws.gov/grants/state.html ; follow link to State Wildlife Grants once there copy the number and enter when you are directed to the CFDA webpage
8. Urban Infill and Redevelopment Assistance Grant Program		2.9	Yes	Yes (Non-Profits)	Yes	http://www.dca.state.fl.us/FDCP/DCP/publications/2005sum.pdf	http://www.leg.state.fl.us/Statutes (search for s. 163.2523, Florida Statutes)

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III. CONSERVATION ALTERNATIVES		2.10					
a. Legal/Statutory		2.10					
b. Safe Harbor Agreements		2.10					
1. Safe Harbor Agreements	Technical Assistance	2.10	Yes	Yes	Yes	www.fws.gov/endangered/candidates/index.html	http://www.edf.org/documents/839_FEDPOL.pdf
c. Candidate Agreements		2.11					
1. Candidate Conservation Agreements with Assurances (CCAAs)	Technical Assistance	2.11	Yes	Yes	Yes	http://www.fws.gov/endangered/candidate_s/index.html	http://www.nmfs.noaa.gov/pr/pdfs/fr/fr64-32726.pdf
d. Regulatory Relief		2.12					
1. Agricultural Lands and Practices Act		2.12	Yes	Yes	No	www.dca.state.fl.us/fdcp/DCP/Legislation/2003/2003.pdf	http://www.leg.state.fl.us/Statutes (search for s. 163.3162, Florida Statutes)
2. Listed Species Management Plans (FWC)	Technical Assistance	2.12	Yes	Yes	No	http://myfwc.com/imperiledspecies/plants.htm	Not Available at this time
3. Optional Sector Plans	Technical Assistance	2.13	Yes	Yes	Yes	http://www.dca.state.fl.us/fdcp/DCP/optionalsectorplans/index.cfm	http://www.leg.state.fl.us/Statutes (search for s. 163.3245, Florida Statutes)

CONSERVATION AND INCENTIVES PROGRAMS	Additional Categories	Pg #	In FL	For Private Land-owners or NGO	For Agency, State, County, or Local Gov't	Program Website application information	Statute or Rule weblink to exact volume or section and page number of Federal and statute
IV. PROPERTY INCENTIVES		2.14					
a. Conservation Easements		2.14					
1. Conservation Easements		2.14	Yes	Yes	Yes	Various Agencies	http://www.leg.state.fl.us/Statutes (search for s. 704.06, Florida Statutes)
2. 2008 Tax and Budget Reform Commission Proposal	Property Tax Incentive	2.14	Yes	Yes	Yes	Not Available at this time	ARTICLE VII, SECTION 3(g), Constitution of the State of Florida
3. Army Compatible Use Buffer (ACUB) Program	Land Acquisition, Technical Assistance	2.15	Yes	Yes	Yes	http://aec.army.mil/usaec/acub/acub00.html	http://aec.army.mil/usaec/acub/docs_acub/10%20USC%202684a.pdf
4. Emergency Watershed Protection	Cost-Sharing, Technical Assistance	2.15	Yes	No	Yes	www.fl.nrcs.usda.gov/programs/flewp.html	http://www.nrcs.usda.gov/programs/ewp/ewpfinalrule4405.pdf
5. Farmland Protection Program (FPP)	Conservation Contract	2.16	Yes	Yes	No	www.fl.nrcs.usda.gov/programs/flfrpp.html	http://www.nrcs.usda.gov/programs/farmland/2002/pdf/FRPPRuleFederalRegister.pdf
6. Forest Legacy Program (FLP)	Conservation Contract, Tax Incentive, Technical Assistance, Land Acquisition	2.17	Yes	Yes	No	www.fs.fed.us/spf/coop/programs/loa/flp	http://www.fs.fed.us/spf/coop/library/flp_guidelines.pdf

CONSERVATION AND INCENTIVES PROGRAMS	Additional Categories	Pg #	In FL	For Private Land-owners or NGO	For Agency, State, County, or Local Gov't	Program Website application information	Statute or Rule weblink to exact volume or section and page number of Federal and statute
7. Grassland Reserve Program (GRP)	Cost-Share, Conservation Contract, Technical Assistance	2.18	Yes	Yes	Yes	www.fl.nrcs.usda.gov/programs/flgrp	http://www.nrcs.usda.gov/programs/farmbill/2002/rules/GRP_Final_Rule_Federal_Register_March_6_2006.pdf
8. Healthy Forests Reserve Program (HFRP)	Cost-Share, Conservation Contract, Technical Assistance	2.19	No	Yes	No	www.nrcs.usda.gov/programs/HFRP/ProgInfo	http://www.nrcs.usda.gov/programs/farmbill/2002/rules/HFRPFinalRule.pdf
9. Readiness and Environmental Protection Initiative (REPI)	Land Acquisition	2.19	Yes	Yes	Yes	http://aec.army.mil/usaec/acub/acub00.html	Not Available at this time
10. Rural and Family Lands Protection Act	Land Acquisition	2.20	Yes	Yes	Yes	www.fl-dof.com/forest_management/acquisitions_index.html	http://www.leg.state.fl.us/Statutes (search for s 570.71 and 259.105, Florida Statutes)
11. Southeast Regional Partnership for Planning and Sustainability (SERPPAS)	Cost-Share, Land Acquisition, Technical Assistance	2.21	Yes	Non-Private only	Yes	www.serppas.org	Not Available at this time
12. Wetlands Reserve Program (WRP)	Cost-Share, Conservation Contract, Technical Assistance	2.21	Yes	Yes	Yes	www.fl.nrcs.usda.gov/programs/flwrp.html	http://www.nrcs.usda.gov/programs/farmbill/2002/pdf/wrprule.pdf

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b. Covenant and Deed Restrictions		2.22					
c. Stewardship Exchange Agreements		2.22					
V. MARKET BASED PROGRAMS		2.23					
a. User Fees		2.23					
b. Eco-Tourism		2.23					
1. Voluntary Public Access and Habitat Incentive Program	Conservation Contract, Cost-Share	2.23	Yes	Yes	No	www.flnrcs.usda.gov/programs	http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRLang.pdf
c. Eco-labeling and Certification		2.23					
d. Mitigation Banking		2.23					
1. Wetland Mitigation Banking		2.23	Yes	Yes	Yes	www.mitigationbanking.org/mitigationbanks	http://www.epa.gov/OWOW/wetlands/regs/scc404.html
e. Conservation Banking		2.24					
1. Conservation Banking	Conservation Easement, Technical Assistance	2.25	Yes	Yes	Yes	www.mitigationbanks.org	http://www.epa.gov/EPA-WATER/1995/November/Day-28/pr-201.html

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f. Transfer or Purchase of Development Rights (TDR's & PDR's)		2.25					
1. Clustering		2.25	Yes	Yes	Yes	http://www.dca.state.fl.us/	Not Available at this time
2. Rural Lands Stewardship Areas program (RLSA)	Land Acquisition	2.26	Yes	Yes	Yes	http://www.dca.state.fl.us/	http://www.leg.state.fl.us/Statutes (search for s. 163.3177, Florida Statutes)
g. Carbon Sequestration		2.27					
1. Carbon Sequestration		2.27	Yes	Yes	Yes	www.dep.state.fl.us/	http://www.leg.state.fl.us/Statutes (search for s.403.44, Florida Statutes (2008 Legislative bill))
h. Agriculture		2.27					
1. Community-Supported Agriculture		2.27	Yes	Yes	No	www.florida-agriculture.com/agindustry.htm	Florida DACS
VI. FINANCIAL INCENTIVES		2.28					
a. Cost-Share Incentives		2.28					
1. Community Forest and Open Space Program	Grant, Technical Assistance	2.28	Yes	Yes	Yes	New in 2008, no website yet available	http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRLang.pdf
2. Conservation Innovation Grants (CIG)	Conservation Contracts	2.8	Yes	Yes	Yes	www.nrcs.usda.gov/programs/cig/	http://www.nrcs.usda.gov/programs/farmland/2002/pdf/CIG/FR%20Notice%20CIG%20IFR.pdf

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3. Conservation Reserve Program (CRP)	Land and Water Leases, Conservation Contracts, Technical Assistance	2.29	Yes	Yes	No	www.fsa.usda.gov/dafp/cepd/crp	http://www.nrcs.usda.gov/programs/farmbill/1996/CRPfrul.html
4. Conservation Reserve Enhancement Program (CREP)	Land and Water Leases, Conservation Contracts, Technical Assistance	2.30	Yes	Yes	Can be involved as partners	www.fsa.usda.gov/dafp/cepd/crep	http://www.nrcs.usda.gov/programs/farmbill/1996/CRPfrul.html
5. Conservation Stewardship Program	Conservation Contract	2.31	Yes	Yes	No	www.fl.nrcs.usda.gov/programs/flcsp.html	http://www.nrcs.usda.gov/programs/csp/pdf_files/cspfedregcomments.pdf
6. Environmental Quality Incentives Program (EQIP)	Conservation Contracts, Technical Assistance	2.32		Yes	No	www.fl.nrcs.usda.gov/programs/eqip/fleqip	http://www.nrcs.usda.gov/programs/farmbill/2002/pdf/eqiprule.pdf
7. <i>Forest Land Enhancement Program (FLEP)- Program may be discontinued</i>	<i>Technical Assistance</i>	2.33	Yes	Yes	No	www.fs.fed.us/spf/coop/programs/loa/flep.shtml	http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRlang.pdf
8. Partners for Fish and Wildlife (PFW)	Technical Assistance	2.33	Yes	Yes	Yes (local)	http://ecos.fws.gov/partners/viewContent.do?viewPage=home	http://www.fws.gov/partners/docs/1151.pdf

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9. Private Stewardship Program	Grant, Technical Assistance	2.34	Yes	Yes	No	http://www.fws.gov/protected/grants/private_stewardship/	http://www.fws.gov/policy/library/02fr39419.pdf
10. Wildlife Habitat Incentives Program (WHIP)	Conservation Contracts, Technical Assistance	2.35	Yes	Yes	No	www.fl.nrcs.gov/programs/flwhip	http://www.nrcs.usda.gov/programs/farmland/2002/pdf/whiprule02.pdf
b. Land and Water Leases		2.36					
c. Conservation Contracts		2.36					
d. Debt Forgiveness		2.36					
1. USDA Debt for Nature Program *currently unfunded in Florida		2.36	*	Yes	No	www.fsa.usda.gov	Not available at this time
e. Insurance		2.37					
VII. TAX INCENTIVES		2.38					
a. Income Tax Incentives		2.38					
1. Federal Income Tax Incentives	Conservation Contracts, Cost-Share	2.38	Yes	Yes	No	www.irs.gov	http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRlang.pdf
2. Economic Incentives for Land Development Regulation	Market-Based	2.38	Yes	No	Yes	http://www.dca.state.fl.us/	http://www.leg.state.fl.us/Statutes (search for s. 163.252, Florida Statutes)
3. Endangered species recovery expenditures		2.39	Yes	Yes	No	Not Available at this time	http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRlang.pdf

CONSERVATION AND INCENTIVES PROGRAMS	Additional Categories	Pg #	In FL	For Private Land-owners or NGO	For Agency, State, County, or Local Gov't	Program Website application information	Statute or Rule weblink to exact volume or section and page number of Federal and statute
b. Capital Gains Tax Incentives		2.39					
c. Property Tax Incentives		2.39					
1. Agriculture Incentive Program-Hillsborough Co	Grant	2.39	Yes	Yes	No	www.hillsboroughcounty.org/green/economy.cfm	Not Available at this time
2. Greenbelt Assessment <i>Nov 08 Tax Reform Proposal</i>		2.40	Yes	Yes	No	Not Available at this time	ARTICLE VII, SECTION 4, Constitution of the State of Florida
3. <i>Nov 2008-proposed property tax deduction for conservation easement/protection</i>	<i>Conservation Easement</i>	2.40	Yes	Yes	Yes	Not Available at this time	<i>ARTICLE VII, SECTION 3(g), Constitution of the State of Florida</i>
4. Intangible Personal Property Tax Incentive		2.40	Yes	Yes (Land-trusts)	No	Not Available at this time	http://www.leg.state.fl.us/Statutes (search for s. 199.183, Florida Statutes)
d. Federal Estate Tax Incentives		2.41					
1. Federal Taxpayer Relief Act	Conservation Easement	2.41	Yes	Yes	Yes	www.irs.gov; Public Law 105-34	http://www.aacc.nche.edu/Content/NavigationMenu/GovernmentRelations/PublicLaws/pl105-34.pdf

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VIII. ASSISTANCE PROGRAMS		2.42					
a. Education, Information and Technical Assistance		2.42					
1. Common Species Common		2.42	Yes	Yes	Yes	www.myfwc.com/LAP/financial.htm	
2. Conservation Technical Assistance		2.42	Yes	Yes	Yes	http://www.nrcs.usda.gov/programs/cta	http://www.nrcs.usda.gov/programs/farmland/1996/CTAfnlrl.html
3. Forest Stewardship Program (FSP)		2.43	Yes	Yes	No	www.fs.fed.us/spf/coop/programs/loa/fsp	Not Available at this time
4. Small County Technical Assistance Program - FL		2.43	Yes	No	Yes	http://www.fl-dof.com/forest_management/cfa_rural_index.html	http://www.leg.state.fl.us/Statutes (search for s. 163.05, Florida Statutes)
5. Soil and Water Conservation Assistance	Cost-Share, Conservation Contract	2.44	Yes	Yes	Yes	www.nrcs.usda.gov/programs/swca	Not Available at this time
b. Legal and Administrative Assistance		2.44					
c. Recognition		2.44					

SECTION II

**CONSERVATION
INCENTIVES
TOOLKIT
REPORT**

Current Conservation Incentive Mechanisms Report

The following report explains in detail the entries listed in the Incentive Mechanisms referred to in the attached Chart, where contact information and websites are provided wherever possible to link to more information and encourage utilization of the Incentives. A Glossary is also provided to define specific meanings of terms referred to in this Report and the accompanying Chart.

Note that where there is not a specific, known program following each labeled category, it is the authors' hopes to solicit additional information from the reviewers of this report in order to create an exhaustive compendium of programs on offer from public agencies that seek to encourage conservation on private lands.

I. Land Acquisition Programs

1. 2008 Tax and Budget Reform Commission Proposal: If approved by Florida voters in the November 2008 General Election, a full ad valorem property tax exemption will be provided for landowners who have placed a perpetual conservation easement or other perpetual conservation protection over their property.

Constitutional Reference: ARTICLE VII, SECTION 3(g), Constitution of the State of Florida

2. County Land Acquisition Programs

Type of Program: Grants for fee and less-than-fee land purchases

Purpose: Dedicate local funding for land conservation in counties

Who Can Participate: Landowners

How it Works: At least 28 Florida counties have instituted local option taxes dedicated to land conservation purchases, mainly through full fee acquisition. The majority of these counties use voter-approved ad valorem millage increases to pay back bonds issued for the purposes of land conservation purchases, though a few counties use discretionary sales taxes as the source of revenue for conservation land acquisitions. In most cases, the tax was approved by a majority of voters in a General Election referendum, although some counties have opted for Special Elections referenda. The percentage of approval by voters is usually overwhelming, as in the case of Collier County in 2006 with approval by 83% of the electorate, though some referenda have passed by much closer margins, such as Martin County, by 51%, in 1998. Virtually all of the measures are approved to buy environmentally sensitive lands, though several of the counties also include recreational park property acquisition in their preservation programs.

Contact: Will Abberger, Trust for Public Land, 306 N Monroe St., Tallahassee, FL 32301

Telephone: (850) 222-7911

Website: www.tpl.org

3. Florida Forever Act Land Acquisition Program

Type of Program: Grants or payments to landowners, and Conservation Easements

Purpose: Perpetual preservation of environmentally sensitive, water resource and recreation lands

Who Can Participate: Landowners and local-government-sponsored land projects

How it Works: Since 1990, the state of Florida has led the nation in statewide land conservation programs, with the initiation of the Preservation 2000 program for the purchase of environmentally sensitive, water resource and recreation lands. That 10-year, \$3 billion program was followed in 1999 by Florida Forever, which also provides \$3 billion over ten years for the voluntary purchase of land and rights in land (easements for development, timber, mineral, hunting and other property rights). To date the programs have protected more than 3 million acres of natural Florida for perpetual benefit to and use by the public. The programs are funded by the issuance of bonds, which is authorized in the State Constitution, and repaid by revenue from the tax on real estate transfers, called the documentary stamp tax. Each year the Legislature must appropriate a portion of that year's bond debt service payment in order to launch the bond sales on the market, and the first \$300 million in revenue collected from the documentary stamp tax is dedicated to repaying those bonds. The use of a real estate transfer fee provides a nexus between land conversion and the use of development to help pay for land conservation to offset the impacts that development has on Florida's natural environment. The state, through its environmental protection and other agencies, pays fair market value to willing-sellers who put their land on the market, and each project is scientifically ranked according to its natural resource features and recreational value to the public.

Funding: Land acquisition and restoration projects receive \$300 million in bond proceeds annually through the State of Florida.

Agency offering Program: Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Affairs, the five water management districts and the Florida Department of Community Affairs

Website: <http://www.dep.state.fl.us/lands>

Contact information: Division of State Lands, Florida Department of Environmental Protection

3900 Commonwealth Boulevard, MS 100. Tallahassee, FL 32399-3000. Phone: (850) 245-2555; Fax: (850) 245-2572. Contact: Greg Brock.

Statutory Reference: s. 259.105, Florida Statutes

2008 Legislative Update: The Florida Forever Act was reauthorized during the 2008 Legislative Session. The act will continue to provide \$300 million annually for ten years and follow roughly the same process as the previous programs.

4. The Land and Water Conservation Fund (LWCF)

Type of Program: Grant program for land acquisition and conservation easements

Purpose: Established by Congress in 1965 to designate a portion of receipts from offshore oil and gas leases be placed into a fund annually for state and local conservation, as well as for the protection of our national treasures (parks, forest and wildlife areas).

Who Can Participate: State agencies and local communities, state and local parks

How it Works: The program is divided into two distinct funding pots for state grants and federal acquisition funds. The "stateside" of LWCF is distributed to all 50 states, DC and

the territories by a formula based on population and other factors. State grant funds can be used for park development and for acquisition of lands and conservation easements. State park directors solicit communities to apply for projects and distribute funds to those worthy projects based on a scoring process. The Federal side provides for national park, forest and wildlife refuge and Bureau of Land Management area fee and easement acquisitions. Each year, based on project demands from communities as well as input from the federal land management agencies (NPS, USFS, FWS, BLM), the President makes recommendations to Congress regarding funding for specific LWCF projects. Once in Congress, these projects go through a rigorous Appropriations Committee review process with much input from Members representing project areas. Given the intense competition among projects, funding is generally only provided for those projects with universal support. Under stateside, a project must fit into a state's recreation plan, furthering its goals on recreation and open space. Usually each state has a ranking system that determines how grant funds will be spent. With federal acquisition, a project generally should be located within or adjacent to an established or proposed federal unit - park, refuge, forest, or federally-managed area - and be considered a priority by the administering agency. In addition to grants to state and local governments, Land & Water Conservation Fund (LWCF) has provided more than \$5.5 billion to acquire new federal recreation lands.

Current U.S. Funding: Subject to appropriations

Past U.S. Funding Levels: LWCF is authorized for appropriations up to \$900 million annually. In FY 2005, the federal acquisition pot received \$166 million and the state grants program received \$92.5 million for a total of \$258.5 million. In FY 2006 the federal pot received \$114.5 and the state grants received \$30 million. FY 2007 was similar to the year before receiving \$113 million for federal acquisition and \$30 million for state grants.

Florida projects: As of 2008 Florida has a total of 483 LWCF projects that have obligated \$125,450,913 and cover 58,760.23 acres (this data is for the entire program period). Federal acquisition funds in Florida have been used to acquire land in the Big Cypress National Preserve, the Lower Suwannee National Wildlife Refuge, the Biscayne National Park and other areas.

Website: <http://www.nps.gov/lwcf/>; in Florida:

<http://www.dep.state.fl.us/parks/OIRS/factslwcf.htm>

Contact information: Florida Director, Division of Recreation and Parks, 3900 Commonwealth Blvd. Tallahassee, FL 32399-3000, Tel: 850-488-6131

Statutory Reference: 16 USC 4601-4601-11; Public Law 88-578, approved September 3, 1964, (78 Stat. 897) created the Land and Water Conservation Fund; P.L. 94-422, approved September 28, 1976, (90 Stat. 1313) authorized funds for, among other things, the National Wildlife Refuge System; P.L. 95-42, approved June 10, 1977, (91 Stat. 210) increased the authorizations for acquisition of certain previously authorized areas; P.L. 98-369, approved July 18, 1984, (98 Stat. 1020) provided that up to \$1 million annually in excess motorboat fuels tax revenues shall be transferred to the Fund; P.L. 100-17, approved April 2, 1987, (101 Stat. 132) extended the motorboat fuels tax component of the Fund through October 1993, and extended the authorization to pay funds received to the Land and Water Conservation Fund, and the Sport Fish Restoration Account through that date; Public Law 100-203, approved December 22, 1987, (101 Stat. 1330) reauthorized the Fund without change through the year 2015.

<http://www.fws.gov/laws/lawsdigest/lwcons.html>

II. Grant Programs

1. Acres for America Program - National Fish and Wildlife Foundation

Type of Program: Grant program

Purpose: To acquire and protect critical wildlife habitat including the corridors connecting existing conservation land.

Who Can Participate: Federal, state, and local governments, educational institutions, and nonprofit organizations.

How it Works: All grant awards require a minimum 1:1 match of cash or contributed goods and services. Federal funds may be considered as match. Higher ratios of matching funds will at times aid in making applications more competitive. In order to be considered for a grant land that is intended to be protection must meet the Conservation Criteria outlined below:

- Endorsement by appropriate federal, state, and local government agencies that the acquisition is of high conservation value is a primary consideration. Preference will be given to acquisitions that are part of published conservation plans (North American Waterfowl Management Plan, Partners in Flight, etc.), State Wildlife Action Plans, or Endangered Species Act Recovery Plans. Natural Heritage rankings for key species present on the site are an important consideration when available. Letters of support from the agencies and organizations listed above should be available for review.
- Endorsement by non-profit conservation organizations that the acquisition is of high conservation value using same criteria as above is also a primary consideration.
- Acquisitions that contribute to "landscape level" conservation efforts that help reduce fragmentation are preferred over isolated acquisitions. Maps should be available to illustrate habitat linkages.
- Important fish, wildlife, and/or plant resources, such as endangered species or areas of significant biological diversity, as identified by credible conservation agencies or organizations, should be conserved through the acquisition. Quantification of resources is important (e.g. 10% of the state's bald eagles nest at the site vs. bald eagles nest at the site.)
- All acquisition documents, including appraisals, title reports, environmental hazard assessments, surveys, and where appropriate, a local attorney's opinion of easement viability, as well as other appropriate documents, must be available for National Fish and Wildlife Foundation staff review as part of the application process.
- The fee transfer or perpetual easement must qualify for "conservation purposes" as defined by Internal Revenue Code Section 170(h) which generally includes the following: the preservation of land areas for outdoor recreation by, or the education of, the general public; the protection of relatively natural habitats of fish, wildlife, or plants, or similar ecosystems; the preservation of open space – including farmland and forest land – for scenic enjoyment or pursuant to an adopted governmental conservation policy; in either case, such open space preservation must yield a significant public benefit; the preservation of historically important land areas or buildings.
- Final disposition of land, including ownership, must be clearly stated. If the federal government is to receive land, additional review by NFWF may be necessary.

- Applicants should be able to secure letters of support from appropriate Congressional representatives for acquisition of interest in a real property.

U.S. Funding: Approximately \$2.5 million will be available annually through 2014 for conservation investments.

Florida Projects: 11,313 acre Yellow River Ravines project through a partnership with TNC. The Yellow River Ravines project is the connector between two of Florida's outstanding natural areas, Eglin Air Force Base and Blackwater River State Forest. The project will provide important habitat for Florida black bear, red-cockaded woodpeckers and rare species found in the ravines. The project will be managed by DOF as an addition to Blackwater River State Forest and will provide an opportunity for long-term restoration to the original longleaf pine community type, of which only two percent remains in the world. In addition, Yellow River Ravines is adjacent to two military installations, Eglin Air Force Base and Navy Outlying Landing Field. Acquisition will assist in buffering the bases from incompatible uses and help to allow the missions of both the base and the field to continue.

Organization Offering Program: The National Fish and Wildlife Foundation partners on the Acres for America conservation program with Wal-Mart Stores and the Turner Foundation, Inc.

Website: <http://www.nfwf.org/Content/NavigationMenu/Grants/>

Contact: Applicants are strongly urged to [contact the National Fish and Wildlife Foundation](#) regional director in their area to discuss project ideas prior to submitting pre-proposals.

Email for general information: southeast@fws.gov

2. Coastal and Estuarine Land Conservation Program (CELCP)

Type of Program: Grants, Land Acquisition, Conservation Easement

Purpose: To protect coastal and estuarine lands considered important for their ecological, conservation, recreational, historical, or aesthetic values.

Who Can Participate: Coastal states with approved coastal zone management plans or National Estuarine Research Reserves are eligible to participate by developing a CELCP plan for approval by NOAA. The state lead agency is then responsible for coordination the establishment and implementation of the CELCP at the state level. To be eligible for funding, projects must: be located in a coastal or estuarine area included within the state's approved CELC plan; match federal CELCP funds with non-federal funds in a ration of 1:1; be held in public ownership and provide conservation in perpetuity; and provide for access to the general public or other public benefit, as appropriate and consistent with resource protection. A property (or conservation easement) must be held by an eligible public entity, be managed for long-term conservation, and provide public access or other public benefit.

How it Works: States nominate land conservation projects to a national competitive process. The program provides state and local governments with matching funds to purchase significant coastal and estuarine lands, or conservation easements on such lands, from willing sellers. Lands or conservation easements are protected in perpetuity.

Agency Offering Program: National Oceanic and Atmospheric Administration (NOAA), program is coordinated at the state level within the state's lead coastal management agency.

Funding: Over \$217 million in the U.S between 2002 and 2008

Website: <http://coastalmanagement.noaa.gov/land/welcome.html>

Contact: Danny Clayton, Florida Coastal Management Program, Department of Environmental Protection, 3900 Commonwealth BLVD, Mail Station 47, Tallahassee, FL 32399-3000, Phone (850) 245-2163, Email: Danny.Clayton@dep.state.fl.us
Statutory Reference: 16 U.S.C 1456d in Public Law 107-77

3. Florida Endangered and Threatened Plant Conservation Program

Type of Program: Grant

Purpose: Work toward the recovery of federally-listed endangered and threatened plant species in Florida. The goal of the Florida Plant Conservation Program is to restore and maintain existing populations of listed plants on public land and on private lands managed for conservation purposes. Previous or ongoing projects address demography, monitoring, reintroduction, germination, pollination, and other aspects of population ecology.

Who Can Participate: Public and private landowners whose land is managed for conservation.

How it Works: As of October, 1998, Florida had 55 plant taxa listed under the U. S. Endangered Species Act as Endangered (44) or Threatened (11). The Program issues small to medium size grants commonly ranging from \$1,000 to \$25,000 per year. These grants are given as 75:25 matching funds. Each project is responsible for acquiring the project's match (25%) for the federal funds (75%). The proposal format is included for anyone interested in submitting a proposal and it must be submitted by the last Friday in January.

Agency Offering Program: U. S. Department of Interior, Fish and Wildlife Service

Contact: Michael Jenkins, Plant Conservation Program Ecologist

Telephone: 850/ 414-9909 - FAX: 850/ 921-6724

Email: jenkinm1@doacs.state.fl.us

Website: http://www.fl-dof.com/forest_management/plant_conservation_index.html

Statutory Reference: Section 6 of the U. S. Endangered Species Act.

4. Landowner Incentive Program (LIP)

Type of Program: Grant, Technical assistance, Cost-Share

Purpose: To support on-the-ground projects that enhance, protect, or restore habitats that benefit "species-at-risk" on privately owned lands.

Who Can Participate: Private landowners, individually or as a group, can submit project proposals. Groups (e.g. land conservancies or trusts, watershed councils, community organizations, or conservation organizations) working with private landowners. In their proposal, these groups need to identify landowners who have confirmed their intent to participate.

How it Works: This program is a competitive grant program that establishes partnerships between federal and state governments and private landowners. States review landowner applications and submit a package of proposals for federal funding. The state provides technical and financial assistance to private landowners. Landowners or partners provide a 25% non-federal match or in-kind contribution.

Past U.S. Funding: From 2003-2007, \$119,274,617 was approved.

Past Florida Funding: From 2003-2007, Florida received a total of \$2,215,000

Agency Offering Program: This program is funded by the US Fish and Wildlife Service (US FWS) and administered by state wildlife agencies.

Website: <http://federalaid.fws.gov/lip/lipguidelines.html>

Contact: U.S. Fish & Wildlife Service; Division of Wildlife and Sport Fish Restoration Program, 1875 Century Blvd., Suite 240, Atlanta, GA 30345, 404-679-4159
FAX 404-679-4160

Statutory Reference: 67 Fed. Reg. 61640-61648 (10/1/02)

<http://www.epa.gov/fedrgstr/EPA-IMPACT/2002/October/Day-01/i24859.htm>

5. Neotropical Migratory Bird Conservation Act Grants

Type of Program: Grant

Purpose: Established to provide competitive, matching grants to support public-private partnerships carrying out projects in the U.S., Canada, Latin America, and the Caribbean that promotes the long-term conservation of Neotropical Migratory Birds and their habitats. The goals of the Act include perpetuating healthy populations of these birds, providing financial resources for bird conservation initiative and fostering international cooperation for such initiatives.

Who Can Participate: An individual, corporation, partnership, trust, association, or other private entity; an officer, employee, agent, department or instrument of the Federal government, state, municipality or other political subdivision of a state, or of any foreign government, an international organization, any other entity subject to the jurisdiction of the United States or of any foreign country.

How it Works: Applicants submit project proposals to the Fish and Wildlife Service Division of Bird Habitat Conservation. A panel of Service staff reviews eligible project proposal and makes recommendations for funding to the Service's Director. The Director approves the projects for funding.

NMBCA in Florida: Florida was part of a multi-state grant in 2004 with \$33,328 in grant funds, \$268,905 in matching funds and \$25,000 in non-matching funds. In 2005, Florida was part of a multi-state grant for \$49,458 with \$255,792 matching funds. In 2006 Florida was part of a multi-state grant for \$124,000 with \$372,846 matching funds and \$112,500 matching funds. In 2006 Florida was also part of another multi-state grant for \$73,120 with \$748,519 matching funds. This project included a number of partners such as the Gulf Coast Bird Observatory and the National Protected Areas commission. In 2006 Florida also had one of its own projects to investigate the Red Knot wintering population. This grant was for \$11,600 with matching of \$47,012. Finally, in 2008, Florida was part of a multi-state project with \$99,402 in grant money and \$326,828 in match.

Current U.S. Funding: in 2008 there is \$4.5 million. At least 75% of funds in each fiscal year are for projects outside the U.S.

Past U.S. Funding: \$3 million in 2002, \$3 million in 2003, \$4 million each year from 2004-2007

Past Florida Funding: see above

Website: <http://www.fws.gov/birdhabitat/Grants/NMBCA/index.shtm>

Contact: For more information, contact Doug Ryan or Andrea Grosse, NMBCA Program Coordinators, Division of Bird Habitat Conservation at 703-358-1784 or neotropical@fws.gov

Statutory Reference: 16 USC Sec. 6101

<http://uscode.house.gov/download/pls/16C80.txt>

6. North American Wetlands Conservation Act Grants Program (NAWCA)

Type of Program: Grant

Purpose: To support the long-term protection of wetlands and associated uplands habitats needed by waterfowl and other migratory birds in North America. Projects must support long-term wetlands acquisition, restoration, and/or enhancement.

Who Can Participate: Organizations and individuals who have developed partnerships to carry out wetlands conservation projects

How it Works: A standard grant proposal is a 4-year plan of action supported by a NAWCA grant and partner funds to conserve wetlands and wetlands-dependent fish and wildlife through acquisition (including easements and land title donations), restoration and/or enhancement, with a grant request between \$51,000 and \$1,000,000. Small grants (up to \$50,000) are administered separately. Partners must provide at least a 1:1 non-federal match to the grant. Match is eligible up to 2 years prior to the year the proposal is submitted and through the project period.

U.S. Funding 2008: A total of \$84.4 million is available for grant sin 2008.

Past U.S. Funding: Between 1990 and 2008 more than \$8870.6 million Federal dollars has leveraged \$1.7 billion in matching funds and \$970.5 million in non-matching funds to affect approximately 24.2 million acres of wetlands and associated uplands.

Past Florida Funding: As of 2007 Florida had leveraged \$281,349 from NAWCA with &1.7 million in matching funds to affect 842 acres of wetlands and associated upland habitat.

Agency Offering Program: US Fish and Wildlife Service (USFWS)

Website: <http://www.fws.gov/birdhabitat/Grants/NAWCA/index.shtm>

Contact Information: Standard Grants proposals: david_buie@fws.gov, (301) 497-5870.

Small Grants proposals: keith_morehouse@fws.gov , (703) 358-1888. General office number: (703) 358-1784.

Statutory Reference: <http://ipl.unm.edu/owl/fedbook/nawca.html>

7. State and Tribal Wildlife Grants Program

Type of program: Grants

Purpose: Provide federal dollars for grants that support cost-effective conservation aimed at preventing wildlife from becoming endangered. These grants support the development and implementation of the State Wildlife Action Plans that address conservation needs identified in the habitat plans (also known as the Comprehensive Wildlife Conservation Strategies).

Who Can Participate: State, commonwealth or territory agencies with lead responsibilities for fish and wildlife resources. These funds can then be used to acquire, protect, or restore land, reintroduce species, conduct research and further develop the State plan.

How it Works: Funds appropriated under the State Wildlife Grants Program are allocated to every state according to a formula based on each state's size and population. In order to make the best use of the State Wildlife Grants Program, congress charged each state and territory with developing a State Wildlife Action Plan. These plans identify species and habitats of greatest conservation need, and outline conservation actions needed to conserve wildlife and vital habitat.

Current U.S. Funding: \$60,215,040 was authorized in 2008 by the Department of Interior appropriations. Total funds available in 2008 are \$61,522,997.

Past U.S. Funding: From 2001-2008 the national total (which includes both tribal grants and state grants) was \$547,934,970.

Current Florida Funding: \$2,605,897 in 2008

Past Florida Funding: Florida was funded at \$20,570,158 between 2001 and 2008.

Website: <http://myfwc.com/wildlifelegacy/>

Contact: Brian.Branciforte@MyFWC.com ;(850) 410-0656 ext 17309, 620 S. Meridian St. Tallahassee, FL 32399-1600

Statutory Reference: <http://www.fws.gov/grants/state.html>; follow link to State Wildlife Grants once there copy the number and enter when you are directed to the CFDA webpage

8. Urban Infill and Redevelopment Assistance Grant Program

Type of Program: Grants

Purpose: The goal of the program is to encourage development patterns that provide for urban infill and redevelopment in order to grow cities and reduce urban impacts to natural areas and open space.

Who Can Participate: Community redevelopment agencies, special districts, nonprofit organizations.

How it Works: A local government may allocate grant money to special districts, including community redevelopment agencies, and nonprofit community development organizations to implement projects consistent with an adopted urban infill and redevelopment plan. Thirty percent of the general revenue appropriated for this program shall be available for planning grants to be used by local governments for the development of an urban infill and redevelopment plan, including community participation processes for the plan. Sixty percent of the general revenue appropriated for this program shall be available for fifty/fifty matching grants for implementing urban infill and redevelopment projects that further the objectives set forth in the local government's adopted urban infill and redevelopment plan. The remaining 10 percent of the revenue must be used for outright grants for implementing projects under \$50,000. Projects that provide employment opportunities to clients of the WAGES program and projects within urban infill and redevelopment areas that include a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, federal enterprise zone, enterprise community, or neighborhood improvement district must be given an elevated priority in the scoring of competing grant applications.

Agency Offering Program: Many local governments, working in coordination with the DCA

Contact: Florida Department of Community Affairs, Sadowski Bldg., 2555 Shumard Oak Blvd.

Tallahassee, FL 32399-2100

Email: ContactDCA@dca.state.fl.us

Telephone: (850)488-8466

Fax: (850)414-8566

Website: <http://www.dca.state.fl.us/> ;

<http://www.dca.state.fl.us/FDCP/DCP/publications/2005sum.pdf>

Statutory Reference: s. 163.2523, Florida Statutes

III. CONSERVATION ALTERNATIVES

a. Legal/Statutory

b. Safe Harbor

1. Safe Harbor Agreements

Type of Program: Safe Harbor, Technical Assistance

Purpose: Promotes voluntary management and conservation for listed endangered and threatened species by providing assurances to landowners that they can return their land to the “baseline” condition if they wish and will not incur additional regulatory restrictions under the Endangered Species Act. Safe Harbor agreements differ from CCAAs (see below) in that they serve Threatened and Endangered species, while CCAAs serve proposed, candidate and other species of concern. However, Safe Harbor agreements may include provisions for proposed candidate species if the participant chooses to do so.

Who Can Participate: Non-federal landowners (commercial, municipal, state, private) with land that contains or may be potentially suitable habitat for listed threatened and endangered species. Nonprofit groups such as The Peregrine Fund, The Nature Conservancy and Environmental Defense hold permits for some umbrella Safe Harbor agreements. These nonprofit groups provide technical and other assistance to enrolling landowners, which can save those landowners time and money.

How it Works: Safe Harbor Agreements are designed to encourage landowners to voluntarily maintain or enhance habitat on their property to attract threatened or endangered species without fear of future land-use restrictions. Participants agree to enhance habitat and/or populations of listed species on their property, but they may return their land to the “baseline” conditions without violating the Endangered Species Act. When the property owner meets all the terms of the agreement, the Services will authorize incidental taking of the covered species at a level that enables the property owners ultimately to return the enrolled property back to agreed upon baseline conditions

Florida Agreements: Conserving the federally endangered red-cockaded woodpecker through partnerships with private landowners is the goal of Florida’s Red-Cockaded Woodpecker Safe Harbor Program. Red-cockaded woodpeckers are protected under the ESA, meaning landowners have a legal obligation to protect the birds and their habitat. This Safe Harbor Agreement covers approximately 2,800 acres of land located about 20 miles east of the city of Tallahassee. Most of this land has been managed as a quail plantation, but it also provides excellent foraging habitat for red-cockaded woodpeckers.

Funding: Conservation measures are voluntary to avoid future regulation. Technical assistance is provided by the U.S. Fish and Wildlife Service.

Agency Offering Program: U.S. Fish and Wildlife Service

Website: www.fws.gov/endangered/candidates/index.html; Florida specific: www.myfwc.com/safeharbor/default.htm

Contact: Landowners can consult U.S. Fish and Wildlife Service offices or, if they are in an area with an umbrella Safe Harbor, or the group that holds that permit. In Florida the Red-cockaded woodpecker contact information is: Jennifer Perkins, Red-cockaded Woodpecker Safe Harbor Coordinator, Florida Fish and Wildlife Conservation Commission, 1239 SW 10th Street, Ocala, FL 34474

Statutory Reference: 64 Fed. Reg. 32717-32726 (6/17/99)

http://www.edf.org/documents/839_FEDPOL.pdf

Revised: 69 Fed. Reg. 24084-24094 (5/3/04) 50 CFR Parts 13 and 17

http://www.edf.org/documents/3751_SHRevisedRegs.pdf

c. Candidate Agreements

1. Candidate Conservation Agreements with Assurances (CCAAs)

Type of Program: Conservation Alternatives; Technical assistance

Purpose: The purpose of this program is to keep species that are candidates for threatened or endangered listing off these lists by encouraging landowners to adopt conservation practices that benefit these species. The incentive offered to the landowners is a reduction in liability under the Endangered Species Act in exchange for conservation measures.

Who Can Participate: Non-federal property owners with candidate species on their lands are eligible for CCAAs.

How it Works: The U. S. Fish and Wildlife Service identifies candidate species for listing and provides conservation recommendations that can remove and reduce threats for these species. This provides the foundation for planning and implementing voluntary conservation efforts that are most likely to be effective in making listing unnecessary. Under the policy, non-Federal property owners who enter into a Candidate Conservation Agreement with Assurances to implement voluntary conservation measures for proposed or candidate species, or species likely to become candidates or proposed in the near future, will receive assurances from the Service that additional conservation measures will not be required and additional land, water, or resource use restrictions will not be imposed should the species become listed in the future. The Service works with a group of diverse partners, including private landowners, other federal and state agencies, and Tribes to forge voluntary conservation agreements that benefit candidate and other species at-risk. The Service provides information to guide strategic approaches to ensure voluntary efforts occur where they are most needed. Resources are leveraged by facilitating funding for landowners to engage in voluntary conservation. The U. S. Fish and Wildlife Service provide technical assistance for designing and implementing conservation actions to address threats identified in species assessments. This program also ties in with the State Wildlife Action Plans as the Species of Greatest Conservation Need, identified in the plans often include most of the most candidate species.

Funding: Conservation measures are voluntary to avoid future regulatory action.

Agency offering Program: U. S. Fish and Wildlife Service

Website: <http://www.fws.gov/endangered/candidates/index.html>; or in South Florida: <http://www.fws.gov/verobeach/>

Contact information: South Florida Ecological Services Office 1339 20th Street, Vero Beach, FL 32960 - Phone: (772) 562-3909 - Fax: (772) 562-4288 Contact Cindy Schulz:

cindy_schulz@fws.gov; or the National Office U.S. Fish and Wildlife Service

Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203, 703-358-2061.

Statutory Reference: 64 Fed. Reg. 32726- 32736 (6/17/99)

<http://www.nmfs.noaa.gov/pr/pdfs/fr/fr64-32726.pdf>

d. Regulatory Relief

1. Agricultural Lands and Practices Act

Type of Program: Regulatory Relief

Purpose: The purpose of this act is to protect reasonable agricultural activities conducted on farm lands from duplicative regulation, because the state finds that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state.

Who Can Participate: Agricultural landowners/operators

How it Works: A county may not exercise any of its powers to adopt any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land if such activity is regulated through implemented best management practices, interim measures, or regulations developed by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or a water management district and adopted under chapter 120 as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

Agency Offering Program: Florida Department of Community Affairs (Availability of these programs are triggered during submission of comprehensive planning change requests by local governments.); www.dca.state.fl.us/fdcp/DCP/Legislation/2003/2003.pdf

Statutory Reference: s. [163.3162](#), Florida Statutes; <http://www.leg.state.fl.us/Statutes> (search for s. 163.3162);

2. Listed Species Management Plans

Type of Program: Regulatory Relief

Purpose: Guiding Principles for Listed Species Management Plans address all levels of action needed for recovery or maintaining recovered status of federal and state listed species by all partners. The plan includes a threat assessment, a listing of conservation goals and objectives, recommended conservation strategies, an implementation plan, and a summary of the anticipated economic, social, and ecological impacts.

Who Can Participate: Each private landowner provides a brief history and habitat description of the property, a map or statement on the status of the species population, and the landowner's historic and ongoing conservation efforts.

How it Works: The threats to the species are assessed and conservation goals and measurable objectives are set. Then the Florida Fish and Wildlife Conservation Commission and the landowner form strategies to achieve the conservation objectives, including any proposed regulations or permits, mitigation for loss of species or habitat, and specific management actions, incentives and monitoring plans to ensure the land is being used and managed according to the Species Management Plan.

Agency Offering Program: Florida Fish and Wildlife Conservation Commission

Contact: Kipp Frohlich, Florida Fish and Wildlife, Imperiled Species Management Section, 620 South Meridian Street, MS-6A, Tallahassee, Fl 32399-1600 Phone (650)-922-4330

Website: <http://myfwc.com/imperiledspecies/plans.htm>

Statutory Reference: Not Available at this time

3. Optional Sector Plans

Type of Program: Regulatory Relief

Purpose: Optional sector plans emphasize urban form and protection of regionally significant resources and facilities.

Who Can Participate: Landowners of substantial geographic areas including at least 5,000 acres of one or more local governmental jurisdictions, though the state land planning agency may approve optional sector plans of less than 5,000 acres based on certain local circumstances.

How it Works: Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments. An optional sector plan may be adopted through one or more comprehensive plan amendments, but may not be authorized in an area of critical state concern. Optional sector planning encompasses two levels: adoption of a conceptual long-term buildout overlay to the comprehensive plan, which must include a long-range conceptual framework map that at a minimum identifies anticipated areas of urban, agricultural, rural, and conservation land use; identification of regionally significant natural resources and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems, achieving a more clean, healthy environment, limiting urban sprawl, protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating quality communities and jobs. The second level is adoption of detailed specific area plans that implement the conceptual long-term buildout overlay and authorize issuance of development orders. One example under current planning is a sector plan is being developed for a 55,000 acre area of rural land in north central Palm Beach County around old platted subdivisions such as The Acreage and Loxahatchee Groves, as well as large citrus groves. The Sector Plan could produce a better land use pattern than the current plan of parcel by parcel, unmanaged development.

Agency Offering Program: Florida Department of Community Affairs

Website: <http://www.dca.state.fl.us/fdcp/DCP/optionalsectorplans/index.cfm>

West Florida Regional Planning Council Contact: Susan Poplin, Phone (850)922-1821, susan.poplin@dca.state.fl.us

Northeast Florida Planning Council Contact: James Stansbury, (850)-922-1818, james.stansbury@dca.state.fl.us

East Central Florida Regional Planning Council Contact: Brenda Winningham, (850)922-1800, Brenda.winningham@dca.state.fl.us

Statutory Reference: s. 163.3245, Florida Statutes

IV. PROPERTY INCENTIVES

a. Conservation Easements

1. Conservation Easement Programs

Purpose: A conservation easement permits landowners to sell certain property rights such as development, water, or mineral rights etc., while allowing them to maintain ownership and continue to use the land under the terms of the easement. Easements are a way to protect agricultural or undeveloped private land from future development, while providing landowners with a financial reward.

Who Can Participate: Private landowners

How it Works: The right to develop and otherwise use lands as private owners see fit, albeit with some regulation on some land uses, is part of a bundle of property rights that may be sold in whole (for full fee title and conveyance to another owner), or in part through less-than-full-fee arrangements where the landowner retains title to the land but sells certain rights, such as the right to develop, timber, hunt or extract minerals from the property. These purchases are called conservation easements and are perpetual rights that are not extinguished when the land changes owners. A conservation easement placed over a forest, for example where all rights to develop the property into more intensive use was sold as a conservation easement, must remain a forest for all succeeding generations. Various terms are negotiated between each easement holder (buyer) and seller, where the seller will negotiate what uses can be continued, such as cattle grazing, timbering or other agriculture operations, as well as some additional farm buildings or family dwelling units. The price the conservation buyer pays for the easement varies, depending on what uses are retained by the owner and how threatened the land is with conversion to more intensive use such as residential or commercial development. Recording of the conservation easement is done by the local property appraiser and tax collector of the county where the easement is located, and in many cases, *ad valorem* property taxes are greatly reduced, as the property appraiser will recognize that the extinguished rights, such as the property's development potential, means the land should be assessed at a lower rate to reflect its restricted use.

Agency Offering Program: Federal agencies, State of Florida, water management districts, non-profit conservation organizations and many local governments are usually the buyers or "holders" of easements.

Statutory Reference: s. 704.06, Florida Statutes

2. 2008 Tax and Budget Reform Commission Proposal: *If approved by Florida voters in the November 2008 General Election, a full ad valorem property tax exemption will be provided for landowners who have placed a perpetual conservation easement or other perpetual conservation protection over their property.*

Constitutional Reference: ARTICLE VII, SECTION 3(g), Constitution of the State of Florida

3. Army Compatible Use Buffer (ACUB) Program

Type of Program: Technical Assistance, Conservation Easement

Purpose: Addresses encroachment and conservation objectives near military installations. The ACUB allows military installations to work with partners to protect land and habitat without acquiring new land under military ownership.

Who Can Participate: Partners can be state or political subdivisions of a state, or a private entity whose principal organizational purpose or goal is conservation, restoration, or preservation of land and natural resources, or similar. Landowners can then benefit by putting land into easement or selling it to the partnership.

How it Works: The U.S. Army reaches out to partners to identify mutual goals for local land conservation and works to prevent development of critical open areas. The program allows the Army to contribute funds to a partner's purchase of easements or properties from willing landowners. The partnership preserves high-value habitat and limits incompatible development in the vicinity of military installations without requiring the Army to manage more land.

U.S. Funding: (For U.S. Army) as of 2006 this program had protected 63,370 acres by leveraging \$56,316,745 military funds with \$123,460,548 from partners.

Florida Funding: In Florida as of 2006 there is one project associated with Camp Blanding military installation. There were 11,966 acres protected through this project as of 2006. The project leveraged \$1,500,000 funds from the military with \$42,305,850 partner funds.

Agency Offering Program: U.S. Department of Defense, other partners in Florida include the Florida Department of Environmental Protection through the Florida Forever Program, The Nature Conservancy, Acquisition and Restoration Council, St. Johns River Water Management District, Suwannee River Water Management District, Clay and Bradford Counties, and FDEP Greenways and Trails.

Website: http://www.sustainability.army.mil/tools/programtools_acub.cfm; or visit the ACUB home page: <http://aec.army.mil/usaec/acub/acub00.html>

Contact: Contact Alisa Dickson at Alisa.Dickson@ngb.army.mil Alisa Dickson: REM, NGB ACUB Program Manager, NEPA Central Region Program Manager, Readiness Center, NGB-ARE-C, 111 South George Mason Drive Arlington, VA 22204, 703-607-9620 work. 703-607-8329 fax

Statutory Reference: 10 U.S.C.A. § 2684a

http://aec.army.mil/usaec/acub/docs_acub/10%20USC%202684a.pdf

4. Emergency Watershed Protection

Type of Program: Technical assistance and Cost-Sharing

Purpose: To assist sponsors and individuals in implementing emergency measures to relieve imminent hazards to life and property created by a natural disaster (flood, drought, fire, or any other natural occurrence causing a sudden impairment of the watershed). The program is designed for installation of recovery measures.

Who Can Participate: Public and private landowners are eligible for assistance but must be represented by a project sponsor. The project sponsor must be a public agency of state, county, or city government, or a special district or tribal government.

How it Works: Eligible activities include removing debris from streams, protecting destabilized stream banks, preventing erosion, repairing conservation practices, retarding runoff, and purchasing flood plain easements. The program covers up to 75% of construction costs. The remaining 25% must come from local sources and as cash or in-kind

services. Funds cannot be used to work on measures installed by another federal agency. All projects must be environmentally sound.

Funding: Subject to varying levels of annual appropriations (not mandatory)

Agency Offering Program: Natural Resources Conservation Service (NRCS)

Website: www.nrcs.usda.gov/programs/ewp/; in Florida:

<http://www.fl.nrcs.usda.gov/programs/flewp.html>

Contact Information: Find your local NRCS office in the local phone book or at (it is based on the county you live in) <http://offices.sc.egov.usda.gov/locator/app> and see attached sheet with NRCS contact information.

Statutory Reference: 70 Fed. Reg. 16921-16928 (4/4/05) 7 CFR Part 624

<http://www.nrcs.usda.gov/programs/ewp/ewpfinalrule4405.pdf>

5. Farmland Protection Program (formerly Farm and Ranch Lands Protection Program) (FPP)

Type of Program: Conservation Easement

Purpose: This program provides matching funds to help state, local and tribal governments or nongovernmental organizations purchase development rights from private landowners to keep productive farm and rangeland in agricultural use.

Who Can Participate: To qualify, farmland must be part of a pending offer from a farmland protection program; be privately owned; have a conservation plan for highly erodible land; and be able to sustain agricultural production (large enough, access to markets, adequate infrastructure and support, surrounding land that supports long-term agricultural production). The Adjusted Gross Income provision in the 2008 Farm Bill will exclude producers who make more than \$1 million a year from participating in FPP and other conservation programs unless two-thirds or more of the income is from farming. An exception can be made on a case-by-case basis if the U.S. Secretary of Agriculture determines that environmentally sensitive land of species significance would be protected.

How it Works: Working through existing programs, USDA partners with state, tribal, or local governments and other organizations to acquire conservation easements or other interests in land from landowners. Landowners agree not to convert the property to non-agricultural uses. USDA provides up to 50% of the fair market easement value and the remainder must be matched by non-NRCS funds. Each state must complete an FPP state plan that includes the acreage to be protected; the total acres needing protection, the degree of development pressure, the anticipated cost per acre, the history of the commitment to conservation by other participating entities and other information. This plan may include ranking criteria to rank parcels within the state.

FPP in Florida: As of 2007, Florida had enrolled 14 projects covering 15,187 acres. To acquire these properties NRCS partnered with seven entities including the St. John's River and South Florida Water Management Districts, the City of Gainesville, The Nature Conservancy, and the counties of Santa Rosa, Volusia and Alachua.

2008 Farm Bill Mandatory Funding: increase of \$773,000,000 through 2012

Past US Funding: from 2003-2007 FRPP was funded nationally at \$72,801,948

Past Florida Funding: In Florida FRPP was funded at \$1,678,077 from 2003-2007 (about 2% of U.S. total)

Agency Offering Program: Natural Resources Conservation Service (NRCS)

Website: www.nrcs.usda.gov/programs/frpp/ ; in Florida:

<http://www.fl.nrcs.usda.gov/programs/flfrpp.html>

Contact Information: Find your local NRCS office in the local phone book or at <http://offices.sc.egov.usda.gov/locator/app>

Statutory reference: 68 Fed. Reg. 26462-26478 (5/16/2003) 7cfr Part 1491

http://www.nrcs.usda.gov/programs/farmland/2002/pubntcs/frpp_final.html

6. Forest Legacy Program (FLP)

Type of Program: Conservation Contract, Conservation Easement, Technical assistance, Tax Incentive

Purpose: To support state efforts to protect environmentally sensitive private forest lands from being converted to non-forest uses by developing and carrying out state forest conservation plans.

Who Can Participate: Private forest landowners are eligible to participate. To qualify landowners must prepare a multiple resource management plan as part of the conservation easement acquisition.

How it Works: This voluntary program supports acquisition of conservation easements, legally binding agreements transferring a negotiated set of property rights from one party to another, without removing the property from private ownership. To qualify, landowners are required to prepare a multiple resource management plan as part of the conservation easement acquisition. Most conservation easements restrict development, require sustainable forestry practices, and protect other values. The federal government may fund up to 75% of program costs, with at least 25% coming from private, state, or local sources. In addition to gains associated with the sale or donation of property rights, many landowners also benefit from reduced federal or state taxes.

How it Works in Florida: Florida's Assessment of Need (AON) which contains an assessment of the forests and forest uses, a description of forces that are converting forests to non-forest uses, describes Eligibility Criteria developed by the state to identify important forest areas to be proposed as Forest Legacy Areas (FLA), and acts as a guide to implementation of FLP. The AON in Florida was approved in 2005. Since 2005 two Florida FLP projects have received funding for a total of 4,742 acres. Two more projects are proposed for 2009 funding cycle.

Agency Offering Program: U. S. Forest Service and Florida Division of Forestry

U.S. Funding: from 2005-2008 the U.S. \$227,504,000. Forest Legacy has funded 242 projects that total 1,567,224 acres nationally.

Florida Funding: From 2005-2008 Florida received both start up funds and had two projects funded for a total of \$2,743,000 which is 1.2 percent of the U.S. total. Florida's funded FLP projects are: (1) Newnan's Lake project in 2005 (\$493,000) and (2) Bull Creek in 2007 (2,250,000).

Website: www.fs.fed.us/spf/coop/programs/loa/flp.shtml

Contact Information: Ed Kuester, Florida's Forest Legacy Coordinator, Florida Division of Forestry, 3125 Conner Blvd. Tallahassee, FL 32399-1650, Phone: 850/414-9929, FAX: 850/921-6724, Email: kuestec@doacs.state.fl.us

Statutory Reference: ø16 U.S.C. 2103c of Public Law 95-313, 92 Stat. 365, 16 U.S.C. 2101 et seq. <http://www.fs.fed.us/spf/coop/authorities/index.shtml>

7. Grassland Reserve Program (GRP)

Type of Program: Conservation Easement, Cost-Share, Land and Water Rental or Leases, Conservation Contract, Technical assistance

Purpose: This voluntary program helps landowners protect, restore, and enhance grassland, rangeland, pastureland, and shrub land on their property. The program focuses on maintaining grazing on the land, conserving lands vulnerable to conversion to cropland or other uses, and protecting plant and animal biodiversity.

Who Can Participate: Landowners can put land into easements or rental agreements. The minimum enrollment is usually 40 contiguous acres. Eligible land includes privately owned and tribal lands, such as grasslands; land that contains forbs (including improved rangeland and pastureland or shrubland); or land that is located in an area that historically has been dominated by grassland, forbs, or shrubland that has the potential to serve as wildlife habitat of significant ecological value. Incidental lands may be included to allow for the efficient administration of an agreement or easement. The Adjusted Gross Income provision in the 2008 Farm Bill will exclude producers who make more than \$1 million dollars a year from GRP and other conservation programs unless two-thirds or more of the income is from farming. An exception can be made on a case-by-case basis if the U.S. Secretary of Agriculture determines that environmentally sensitive land of species significance would be protected.

How it Works: Landowners follow a conservation plan, developed by the NRCS or a third party to limit their use of their lands through conservation easements (30 years or permanent) or rental agreements (10-30 years). Grazing, mowing, and fire (rehabilitation, breaks, and fences) are allowed. Practices that involve breaking the soil surface are not allowed, unless approved as part of the conservation plan. If restoration is needed, the program covers 75-90% of the cost. The program covers all administrative costs for establishing easements. The government-owned Commodity Credit Corporation generally holds the easements, but another entity (state, land trust) can request to fill this role.

2008 Mandatory Farm Bill Funding: \$240,000,000 for 2008-2012 to enroll an additional 1,220,000 acres of eligible land.

Past U.S. Funding: \$125,011,836 from 2004-2007.

Past Florida Funding: \$3,379,301 for 2004-2007 (2.7% of U.S. total)

Agency Offering Program: Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA), in cooperation with Forest Service (USFS)

Website: www.nrcs.usda.gov/programs/GRP/ ; in Florida:

<http://www.fl.nrcs.usda.gov/programs/flgrp.html>

Contact Information: Find your local NRCS office in the local phone book or at <http://offices.sc.egov.usda.gov/locator/app>; see attached sheet with NRCS contacts

Statutory Reference: 71 Fed. Reg. 11139-11151 (3/6/06) 7CFR Part 1415

http://www.nrcs.usda.gov/programs/farbill/2002/rules/GRP_Final_Rule_Federal_Register_March_6_2006.pdf

** May be revised following 2008 Farm Bill Rulemaking

<http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRIlang.pdf>

8. Healthy Forests Reserve Program (HFRP)

Type of Program: Technical assistance, Conservation Easement, Conservation Contract, Cost-Sharing

Purpose: To provide financial assistance for private forest landowners to protect, restore, and enhance forest ecosystems to promote the recovery of endangered species, improve biodiversity, and enhance carbon sequestration.

Who Can Participate: To be eligible for enrollment, land must be private land which will restore, enhance, or measurably increase the likelihood of recovery of a threatened or endangered species, must improve biological diversity, or increase carbon sequestration. The Adjusted Gross Income provision in the 2008 Farm Bill will exclude producers who make more than \$1 million dollars a year from HFRP and other conservation programs unless two-thirds or more of the income is from farming. An exception can be made on a case-by-case basis if the U.S. Secretary of Agriculture determines that environmentally sensitive land of species significance would be protected.

How it Works: The landowner has three choices of agreements with associated cost-share rates: 10-year agreements (50% of conservation easement value plus 50% of restoration costs), 30-year easements (75% of conservation easement value plus 75% of restoration costs), or permanent easement (75-100% of conservation easement value plus 100% of restoration costs). The permanent easement option was originally a 99 year “permanent” easement, but has now been made permanent in perpetuity in the 2008 Farm Bill. Of the funding not more than 40% can be used for cost-share agreements while not more than 60% may be used for easements. The landowner, U.S. Forest Service, and U.S. Fish and Wildlife Service develop a conservation plan that benefits rare species and receive cost-share assistance in implementing the plan and, in the case of easements, for the reduction in property value due to the easement. Safe Harbor assurances are available to landowners to allow habitat restoration for rare species without fear of increased regulation.

U.S. Funding in 2008 Farm Bill: Mandatory funding of \$9.75 million is provided for each of fiscal years 2009-2012.

Past U.S. Funding: In 2006 \$2,343,019 was obligated for 11 contracts in 3 states covering a total of 495,652 acres. In 2007 \$2,055,175 was obligated for 19 contracts in 3 states on 197,826 acres.

Past Florida Funding: Florida has not had funding for the program.

Agency Offering Program: U.S. Forest Service and Natural Resources Conservation Service.

Websites: www.nrcs.usda.gov/programs/HFRP/ProgInfo ; www.fs.fed.us/projects/hfi/field-guide/web/page20.php; Florida: <http://www.fl.nrcs.usda.gov/>

Contact: National office: Floyd Wood, Acting HFRP Manager, 202-720-0242 floyd.wood@wdc.usda.gov ; Florida Office

Statutory Reference: 71 Fed. Reg. 28547-28562 (5/17/06) 7 CFR Part 625 <http://www.nrcs.usda.gov/programs/farmbill/2002/rules/HFRPFinalRule.pdf> floyd.wood@wdc.usda.gov

9. Readiness and Environmental Protection Initiative (REPI)

Type of Program: Financial Incentive, Conservation Easement, Land Acquisition

Purpose: Launched in 2004 as part of U.S. Department of Defense Sustainable Ranges Initiative, the REPI Program helps preserve land around military installations by providing

funds so that the installations can enter into agreements to acquire conservation easements. The project aims to foster partnerships with new allies, preserve test and training space, provide funding to assist military installations in working with state and local governments or non-government organizations (NGOs), acquire easements from willing sellers, preserve high-value habitat, limit incompatible development that threatens to jeopardize military readiness.

Who Can Participate: Partnership includes national conservation organizations, regional and local conservation groups, federal government partners, and regional and local governments. Local landowners can tap into dollars when they put their land into conservation easements.

How it Works: Funding leverages public/private partnerships and additional financial commitments to promote innovative land conservation solutions that benefit both military readiness and the environment.

U.S. Funding: \$9 million in 2005, \$30.8 million in 2006, \$30.6 million in 2007 and \$36 million in 2008. Federal fiscal year 2005 projects secured 14,688 acres of buffer lands through a commitment of \$9 million in REPI funding, \$13.9 million in contributed Service funding, and \$35.95 million in leveraged funding from non Department of Defense sources. In the past three years a total of \$89.5 million has gone towards 90 projects, covering 59,129 acres with \$121.4 million from other contributed funds through 16 state and local government partnerships and 22 NGO partnerships.

Florida Funding: In 2006 a project near Camp Blanding a military installation near Jacksonville, Florida covered 3,521 acres with \$21 million dollars. \$400,000 of this was from Department of Defense and the remaining portion from partnerships in the state including Florida Forever and Florida Legacy Program. Another project in of 5,026 acres was established around Naval Air Station Whiting Field in Florida with 7 million from Department of Defense. It is awaiting \$15 million from the state's Florida Forever Program.

Website: <http://aec.army.mil/usaec/acub/acub00.html>

Contact: Florida Defense Alliance, 800 No. Magnolia Avenue, Suite 1100, Orlando, FL 32803, Telephone 407-956-5600, email jpena@eflorida.com

10. Rural and Family Lands Protection Act

Type of Program: Conservation Easement, Land Acquisition

Purpose: The Rural and Family Lands Protection Act was enacted to help retain many agricultural and rural lands in their mainly rural state.

Who Can Participate: Agricultural and rural landowners with open space.

How it Works: Under the law, four forms of payments could benefit landowners who voluntarily place limitations on how their lands are used or developed. Perpetual natural resource conservation easements, agricultural easements, less-than-perpetual (30-year) easements and payments to landowners who improve their land for watershed and wildlife benefits are all provided in order to keep working lands and environmentally sensitive lands from being converted to more intensive uses such as residential or commercial development. Although the act was passed in 2001, the program had not received funding until fiscal year 2009, when it will be funded as part of the state's Florida Forever land acquisition program.

Agency offering Program: Florida Department of Agriculture and Consumer Services

Contact: Florida Department of Agriculture and Consumer Services, Edward F. Kuester III, Division of Forestry, 3125 Conner Boulevard, Suite "I", Tallahassee, Florida 32399-1650.

Telephone: (850) 414-9929; Fax: (850) 921-6724

Funding: \$10.5 million annually through the state's Florida Forever Program

Website: http://www.fl-dof.com/forest_management/acquisitions_index.html

Statutory Reference: sections 570.71 and 259.105, Florida Statutes

2008 Legislative Update: The Rural and Family lands Protection Act will be funded beginning in FY 2009, at an initial level of \$10.5 million per year for the purchase of perpetual conservation easements or agricultural easements over working lands, as a component of the state's Florida Forever program.

11. Southeast Regional Partnership for Planning and Sustainability (SERPPAS)

Type of Program: Conservation Easement, Cost-Sharing, Technical Assistance/Education, Land Acquisition

Purpose: This multi-agency and organization partnership was created in 2005 with the goal of identifying and addressing regional sustainability issues which cross federal, state, and local geographic and civil boundaries. The partnership includes Department of Defense, Military Services, Environmental and Natural Resource Agencies from North Carolina, South Carolina, Georgia, and Florida, and federal agencies within the Southeast Natural Resource Leaders Group, and various nongovernmental organizations.

Who Can Participate: Eligible organizations include state and local government and non-government organizations including land trusts.

How it Works: Objectives of the SERPPAS action plan include development of 1) regional sustainability projects to support the natural, economic and national defense resources and 2) Geographic Information Services sustainability decision support tool that integrates Federal, Department of Defense, military services, and state data for use in regional planning by SERPASS and individual states. The Department of Defense has given authority to work with partners to acquire lands near military installations that provide both conservation and military training benefits. The Department of Defense can enter into partnership agreements with various entities for protecting conservation lands to minimize incompatible development and loss of habitat and ecosystem functions. Department of Defense funds with required cost sharing can be used to acquire fee simple or less than fee rights to conserve such lands that also help protect military training, testing and readiness.

Florida and SERPPAS: Three focus areas were identified as demonstration areas for SERPPAS efforts: eastern North Carolina, South Carolina, and includes Florida, Louisiana, Alabama, and Georgia (FLAG). The FLAG corridor partnership envisions an alliance between multiple partners to conserve natural resources, promote compatible economic development, and sustain the operations of military bases in the region. A number of projects in Florida area already ongoing – for more information go to the SERPPAS website.

Funding: Funding levels unavailable.

Website: <http://www.serppas.org/>

Contact: For additional information please call: 1-877-737-7790

12. Wetlands Reserve Program (WRP)

Type of Program: Technical assistance, Conservation Easement, Cost-Sharing, Conservation Contract

Purpose: To offer landowners an opportunity to establish long-term conservation and wildlife practices and protection; to protect, restore, and enhance wetlands on private or tribal lands.

Who Can Participate: Landowners of wetlands with a history of agricultural uses that are restorable and beneficial for wildlife. Wetlands converted after 1985 are not eligible. Adjacent land that is functionally dependent on wetlands and cropland or grassland that was used for agriculture prior to flooding from the natural overflow of a closed basin lake or pothole with the adjacent land that is functionally dependent on the cropland or grassland. As of the 2008 Farm Bill, landowners must have ownership of the property for seven years prior to enrolling. The Adjusted Gross Income provision in the 2008 Farm Bill will exclude producers who make more than \$1 million dollars a year from WRP and other conservation programs unless two-thirds or more of the income is from farming. An exception can be made on a case-by-case basis if the U.S. Secretary of Agriculture determines that environmentally sensitive land of species significance would be protected.

How it Works: Landowners voluntarily retire marginal land from agriculture, limiting the land's use permanently while retaining it in private ownership. There are three options: (1) permanent conservation easement (NRCS) pays for the easement plus 100% of restoration costs), (2) 30 year conservation easement (NRCS pays 75% of the value of the easement plus 75% of restoration costs), or (3) cost-share restoration agreement (NRCS pays 75% of restoration costs). The land can be used for hunting, fishing, and other uses that are compatible with providing wetland functions. The Farm Bill also changes the compensation schedule for easements: easements valued at less than \$500,000 will be paid in not more than 30 annual payments and easements in excess of \$500,000 must be given in at least 5, but not more than 30 annual payments unless the Secretary determines otherwise. The valuation process for easements is now streamlined to facilitate enrollment. The Secretary may choose the lowest value resulting from 3 options: (1) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey; (2) the amount corresponding to a geographic cap, as determined by the Secretary; (3) the offer made by the landowner. The 2008 Farm Bill adds a new Wetland Reserve Enhancement Program which authorizes the Secretary to enter into agreements with states, tribes, and nongovernmental organizations to carry out the special projects that address state, local, or regional priorities.

2008 Farm Bill Funding: \$1.3 billion through 2012, which is enough to enroll 746,200 acres of wetlands over the next five years for a total of over 3 million enrolled acres nationwide.

Past U.S. Funding: \$1,142,396,678 from 2003-2007.

Past Florida Funding: \$67,404,528 from 2003-2007 which is nearly 6% of the U.S. total.

Agency Offering Program: Natural Resources Conservation Service (NRCS)

Website: www.nrcs.usda.gov/programs/wrp/ ; in Florida:

<http://www.fl.nrcs.usda.gov/programs/flwrp.html>

Contact Information: Find your local NRCS office in the local phone book or at <http://offices.sc.egov.usda.gov/locator/app> ; see attached sheet with Florida NRCS contacts

Statutory Reference: 67 Fed. Reg. 39254-39255 (6/7/02) 7CFR Part 1467

<http://www.nrcs.usda.gov/programs/farmbill/2002/wrprule.html>

** will be revised following 2008 Farm Bill rulemaking

<http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRIlang.pdf>

b. Covenant and Deed Restrictions

c. Stewardship Exchange Agreements

V. MARKET BASED PROGRAMS

a. User Fees

b. Eco-Tourism

1. Voluntary Public Access and Habitat Incentive Program

Type of Program: Eco-Tourism, Conservation Contract, Cost-Share

Purpose: New in 2008, the program encourages landowners and operators of privately held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting and fishing, and bird watching.

Who Can Participate: State and tribal governments apply for grants and distribute funding to private land-owners of agricultural and forest lands.

How it Works: States and tribal governments apply for grants from the U.S. Secretary of Agriculture. The Secretary will give priority to states and tribal governments that propose to maximize participation, to ensure that land enrolled has appropriate wildlife habitat, to strengthen wildlife habitat improvement efforts enrolled, to use additional federal, state, tribal government, or private resources in carrying out the program, and to make available the location of the site to the general public.

U.S. Funding in 2008 Farm Bill: \$50 million from 2009-2012

No past funding because it is a new program.

Website: <http://www.fl.nrcs.usda.gov/programs/>

Contact: Find your local NRCS office in the local phone book or at

<http://offices.sc.egov.usda.gov/locator/app> ; see attached sheet with NRCS contacts

Statutory Reference: Rules will be made in 2008 Farm Bill rulemaking; see farm bill legislation <http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRLang.pdf>

c. Ecolabeling and Certification

d. Mitigation Banking

1. Wetland Mitigation Banking

Type of Program: Market Based Programs-Mitigation Banking, Conservation Easement

Purpose: Allows those who need to mitigate wetland conversion on their lands to go to wetland mitigation banks to purchase "credits" to cover the impacts proposed on their property. These mitigation banks are generally contiguous areas and have greater ecological integrity or conservation value than small, isolated mitigation projects. Wetland mitigation banking can facilitate compliance with state and federal permit requirements by providing a mechanism for the establishment of new wetland areas, or "banks," in advance of anticipated losses. Wetlands established in a mitigation bank provide "credits" which can be sold to permit applicants, or used by the bank sponsor to meet permit conditions.

Who Can Participate: Landowners and others who wish to establish and restore wetland habitat. It applies to developers, agricultural producers or transportation departments who are required to mitigate the damage done to habitat in other areas.

How it Works: Mitigation banking is authorized by the federal Clean Water Act Section 404 permit program and the Swamp-Buster provisions of the 1985 Farm Bill. It is overseen by

several federal agencies and requires developers, transportation departments or agricultural producers to replace, in equal amount – the wetland they destroy. It allows for outside parties to establish and restore wetlands and designate their ecological value as “credits” in a wetland banking system. Developers and farmers who need to mitigate wetlands on their lands can go to these banks and purchase credits to cover the “debits” they will inflict on their own wetlands. Debits are considered to be any harm, degradation, or destruction to wetlands.

Wetland Mitigation in Florida: Currently Florida has 17 mitigation areas listed. Florida implements Mitigation Banking through the Florida Department of Environmental Protection and the five regional Water Management Districts. The U.S. Army Corp of Engineers also has a role in regulating mitigation banks in Florida. In 2004, the Florida Department of Transportation (FDOT) received recognition under the Federal Government State Department of Transportation, Exemplary Ecosystem Initiatives Program for its efforts in wetlands mitigation. In 1995 the FDOT established a large, first of its kind habitat conservation bank in south Central Florida. The FDOT used \$2.4 million to purchase the 1,710 acre Johnson Ranch in Highlands County. The property is now called Platt Branch Mitigation Park. Since the inception of the FDOT mitigation program in 1996, FDOT districts have proposed 125 construction projects with wetland impacts to be mitigated through the programs. As of 2007 more than 30 wetland mitigation banks have been approved by the state for various future projects. Mitigation is a relatively new proactive and most practices are less than 20 years old.

Funding: Not relevant

Agency Offering Program: This program is overseen by several federal agencies including the U.S. Army Corp of Engineers and the U.S. Environmental Protection Agency as well as state agencies.

Website: <http://www.mitigationbanking.org/mitigationbanks/index.html> and www.dep.state.fl.us

Contact: P.O. Box 547881, Orlando, FL 32854-7881 (888) 272-NMBA

Statutory Reference: 63 Fed. Reg. 19594 -19640(4/10/08) 40 CFR Part 230

<http://www.epa.gov/EPA-WATER/2008/April/Day-10/w6918a.pdf>

60 Fed. Reg. 58605-58614 (11/28/95)

<http://www.epa.gov/EPA-WATER/1995/November/Day-28/pr-201.html>

Note: The final rule on mitigation banking entitled “Compensatory Mitigation for Losses of Aquatic Resources” was received on May 5, 2008 and published in the Federal register as a final rule on April 10, 2008. The rule is effective as of June 9. The final rule establishes performance standards and criteria for compensatory mitigation, mitigation banks, and in-lieu programs to improve the quantity and success of compensatory mitigation projects.

e. Conservation Banking

1. Conservation Banking

Type of Program: Market Based Programs-Conservation Banking, Conservation Easement

Purpose: Protects lands needed to maintain federal or state endangered or at-risk species and their habitats. The purpose of conservation banks is to preserve large contiguous tracts of habitat proactively to offset impacts from development activities. It aims to conserve or restore the federal and state listed species habitat and allows private landowners to obtain conservation credits for conserving and maintaining endangered species.

Who Can Participate: Banks may be established on tribal, local, private, or state lands where managing agencies maintain or will maintain habitat in the future. Use of conservation banks on Federal lands is not precluded under this guidance, although there may be special considerations concerning applicability of conservation banks on federal lands. Land used to establish conservation banks must not be previously designated for conservation purposes unless the proposed designation as a bank would add additional conservation benefit. Before the U.S. Fish and Wildlife Service (USFWS) can approve the conservation bank, landowners are required to: enter into a Conservation Banking Agreement with the USFWS; grant a conservation easement to an eligible third party, precluding the future development of the property and restricting certain land uses; develop a long-term management plan for the bank lands; and provide funding for monitoring and long-term management of bank lands. In return the USFWS approves landowners to sell credits to those requiring mitigation for species that occur on the banks designated service area.

How it Works: Conservation banks are permanently protected public or private lands that are managed for federal endangered, threatened, and other at-risk species. Through the approval process of a conservation bank, a management plan is developed, the elements of the conservation easement are defined, and long term funding mechanisms are established to manage the land in perpetuity. Like a biological bank account, once approved and established, the conservation bank owner/operator receives habitat or species credits to use or sell. Credits are banked for future trading and banks must be pre-approved by federal and state agencies and established within the context of a federal habitat conservation plan under the Endangered Species Act.

Florida Projects: Conservation banks are currently being formed in Florida for the Florida panther and Florida scrub jay. The Florida Panther Conservation Bank in Hendry County is 1,930 acres in size and its primary goal is to provide habitat for Florida Panther. In addition, the bank provides habitat for a multitude of species including the Florida black bear, several species of raptors and the red cockaded woodpecker. This conservation bank has been in the approval process since 2004 through the South Florida Ecological Services office of the USFWS located in Vero Beach, Florida. The HD Royals Conservation Bank is located in Charlotte County. This bank site is approximately 1,650 acres in size and will be managed for Florida scrub jay habitat. The bank has been in the approval process for just under one year. Both bank sponsors are private landowners.

Funding: Funded by developers who are destroying habitat

Agency Offering Program: Banks must be approved by federal and state agencies and established within the context of a federal habitat conservation plan

Website: <http://www.mitigationbanking.org/mitigationbanks/index.html>

Contact: George_Dennis@fws.gov

Statutory Reference: 60 FR 58605-58614 (11/28/95)

<http://www.epa.gov/EPA-WATER/1995/November/Day-28/pr-201.html>

f. Transfer Or Purchase of Development Rights (TDR or PDR)

1. Clustering

Type of Program: Transfer of Development Right

Purpose: The goals of clustering programs are to use a Transfer of Development Rights (TDR) concept to promote the protection of large, mainly rural landscapes and allow for some limited, discreet development in economically-under-developed rural counties.

Who Can Participate: Landowners

How it Works: TDRs allow landowners to receive the economic benefits for the development value of their property while transferring those rights to areas more appropriate for development. Development credits are determined by the value of land being protected in sending areas and are then transferred to receiving areas where development occurs. Rules vary from county to county, but generally require a percentage of acres be left in open space in trade for development allowances in a discreet or “clustered” development pattern where villages or hamlets are constructed, usually in a new urbanism model that encourages pedestrian-oriented, town center type communities. TDRs are attractive to many property owners because they permit a landowner who has been restrictively zoned or “down-zoned”, so that only one dwelling unit per every ten acres is allowed, for example, in a rural area to recover his or her economic loss (for highest and best use) on the restricted property by selling that property’s development rights to owners of land in receiving districts. In addition, developers are likely to purchase development rights because it can allow them to build at higher densities, which often results in higher profit margins.

Agency Offering Program: Many local governments, working in coordination with the Department of Community Affairs.

Contact: Florida Department of Community Affairs, Sadowski Bldg., 2555 Shumard Oak Blvd.

Tallahassee, FL 32399-2100

Email: ContactDCA@dca.state.fl.us

Telephone: (850)488-8466

Fax: (850)414-8566

Website: <http://www.dca.state.fl.us/>

2. Rural Lands Stewardship Areas program (RLSA)

Type of Program: Transfer of Development Right, Land Acquisition

Purpose: The Rural Lands Stewardship Areas (RLSA) program goal is to use a Transfer of Development Rights (TDR) concept to promote the protection of large, rural landscapes.

Who Can Participate: Landowners with at least 10,000 acres of land.

How it Works: Development credits are determined by the value of land being protected in sending areas and are then transferred to receiving areas where development occurs. Rules currently require that a minimum of 10,000 acres be available to plan the sending and receiving process, which can either be in individual land ownership or composed of multiple ownerships. RLSA agreements then must be incorporated into amended county comprehensive plans. Rural Land Stewardship Agreements that protect a set number of acres in their predominantly agricultural or natural state and allow for specific development on other parcels must be incorporated into amended county comprehensive plans.

Agency Offering Program: Many local governments, working in coordination with the DCA.

Contact: Florida Department of Community Affairs, Sadowski Bldg., 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100

Email: ContactDCA@dca.state.fl.us

Telephone: (850)488-8466

Fax: (850)414-8566

Website: <http://www.dca.state.fl.us/>

Statutory Reference: s. 163.3177, Florida Statutes

g. Carbon Sequestration

1. Carbon Sequestration

Type of Program: Carbon Sequestration

Purpose: The 2008 comprehensive state energy bill creates in Florida the ability to designate, value and preserve forests and other natural carbon “sinks” by allowing major greenhouse gas emitters to purchase emissions offsets from other entities, such as timberland owners, that produce verifiable reductions to capture and store greenhouse gases that otherwise would be released into the atmosphere.

Who Can Participate: Private landowners and entities that emit polluting greenhouse gases.

How it Works: There may be a market in Florida for landowners to sell the services of their natural or planted lands to polluting companies in order to offset the carbon released into the atmosphere by the polluter through the capture and storage of greenhouse gases through natural photosynthesis.

Agency offering Program: Florida Department of Environmental Protection,

Statutory Reference: s.403.44, Florida Statutes (2008 Legislative bill)

Website: <http://www.dep.state.fl.us/lands>

h. Agriculture

1. Community-Supported Agriculture

Type of Program: Agriculture Market Based Program

Purpose: Community-Supported Agriculture (CSA) is generally found in or near urban or suburban areas and is used to help farmers directly market their products to residents of nearby communities and stay viable as an industry.

Who can Participate: Growers of agricultural food crops.

How it Works: In one form of community-supported agriculture, farm customers agree to pay for farm products at the time of harvest and, in return, receive regular delivery of products during the growing season. The benefit to the farmer is reduced risk due to a set amount of guaranteed income. Similar methods of supporting local agriculture include community-supported farmers’ markets, like the Downtown Farmers and Produce Market held each Saturday in Florida cities such as Tallahassee, or the Delray Green Market in the Park held each week in Delray Beach. In Florida there are more than 80 operating community-based farmer’s markets. Additionally, state and local programs exist which encourage and enable farmers to sell their products, including organic and other specialty products, directly to restaurants and other food retailers.

Agency offering Program: Florida Department of Agriculture and Consumer Services

Website: www.florida-agriculture.com/agindustry.htm

VI. FINANCIAL INCENTIVES

a. Cost-Share Incentives

1. Community Forest and Open Space Program – NEW in 2008 Farm Bill

Type of Program: Cost-Share, Grants, Technical Assistance, Land Acquisition

Purpose: New in the 2008 Farm Bill, the program provides federal matching grants to help county or local governments, tribes, or non-profit organizations acquire private forests that are threatened by conversion to non-forest uses and are economically, environmentally and culturally important to communities.

Who Can Participate: County or local governments, tribes, or non-profits and private forest owners

How it Works: The federal cost share of a grant cannot be more than 50% of the cost to acquire one or more parcels of land. Eligible entities can provide a match in cash, donation, or in kind equal to the outstanding amount. Public access to lands under this program must be provided as long as recreational use is consistent with the program goals. Ten percent of the funding will be used for program administration and technical assistance.

Funding: Not yet available

Website: Not yet available

Contact: U.S. Forest Service, 25 John Knox Road, Suite F-100, Tallahassee, FL 32303,
Phone: (850) 523-8500

Statutory Reference: Subject to rulemaking following passage of the 2008 Farm Bill in June.
<http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRlang.pdf>

2. Conservation Innovation Grants (CIG)

Type of Program: Conservation Contract, Cost-Share Incentives

Purpose: This is a voluntary program to stimulate the development and adoption of innovative conservation approaches and technologies to address some of the nation's most pressing natural resource concerns.

Who Can Participate: Proposed projects must involve the federal Environmental Quality Incentives Program (EQIP)-eligible producers. Applications can come from non-federal government agencies, nongovernmental organizations, tribes, or individuals.

How it Works: This program is authorized and funded within the Environmental Quality Incentives Program. The funds are awarded through a nationwide competitive grant process and there is also a state component. There is a required non-federal match of at least 50%, including half of this from in-kind.

CIG in Florida: The state component of CIG gives flexibility to the Natural Resource Conservation Service State Conservationist to target CIG funds to smaller projects within their state that may have promise but may not be able to compete on the larger scale of the national competition. Under CIG, Environmental Quality Incentives Program funds are used to award competitive grants to non-federal governmental or nongovernmental organizations, tribes, or individuals. CIG enables NRCS to work with other public and private entities to accelerate technology transfer and adoption of promising technologies and approaches. Florida made up to \$150,000 in CIG funding available from EQIP funds in 2007. The CIG State Component offers eligible entities the opportunity to apply for grants of up to \$75,000.

Agency Offering Program: Natural Resources Conservation Service

Website: www.nrcs.usda.gov/programs/cig/ ; in Florida:

<http://www.fl.nrcs.usda.gov/programs/eqip/flequip.htm>

Contact Information: Find your local NRCS office in the local phone book or at

<http://offices.sc.egov.usda.gov/locator/app> ; see attached sheet with NRCS contacts

Statutory Reference: 69 Fed. Reg. 16392-16399 (3/29/04) 7 CFR 1466

<http://www.nrcs.usda.gov/programs/farmland/2002/pdf/CIG/FR%20Notice%20CIG%20IFR.pdf>

3. Conservation Reserve Program (CRP)

Type of Program: Cost-Share Incentives, Technical Assistance, Land and Water Rental and Leases, Conservation Contract

Purpose: To reduce soil erosion, reduce sedimentation in streams and lakes, improve water quality, establish wildlife habitat, restore floodplains, and enhance forest and wetland resources.

Who Can Participate: Agricultural producers or ranchers with cropland or marginal pasture land with a history of commodity production, an erosion Index > 8 (unless in a Conservation Priority Area). Landowners must have owned the land for at least 12 months prior to the close of the sign-up period (unless the new owners acquired the land as a result of death of the previous owner, the only ownership change occurred due to foreclosure, or the circumstances of the acquisition present adequate assurance to the government-owned Commodity Credit Corporation (CCC) that the new owners did not acquire the land for the purpose of placing it in the CRP). The cropping history requirement for enrollment has been updated in the 2008 Farm Bill to mandate that land must have been active for four of the last six years from 2002 to 2007 to be eligible. Alfalfa and multi-year grasses and legumes in a rotation practice with an annual agricultural commodity may contribute towards meeting the eligibility cropping history requirement. Land must be physically and legally capable of producing an agricultural commodity crop in a normal manner or a certain kind of marginal pastureland enrolled in the federal Water Bank Program or suitable for riparian buffer or for similar water quality purposes. The Adjusted Gross Income provision in the 2008 Farm Bill will exclude producers who make more than \$1 million dollars a year from CRP and other conservation programs unless two-thirds or more of the income is from farming. An exception can be made on a case-by-case basis if the U.S. Secretary of Agriculture determines that environmentally sensitive land of species significance would be protected.

How it Works: Farmers convert highly erodible cropland or other environmentally sensitive acreage to vegetative cover, to improve the quality of water, control soil erosion, and enhance wildlife habitat. Contracts are ranked based on the Environmental Benefits Index (EBI) by the Farm Service Agency (FSA). The FSA uses the following EBI factors to assess the environmental benefits for land offers: wildlife habitat benefits resulting from covers (e.g. grasses) 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. Farmers receive an annual rental payment for the term of the 10-15 year contract. Cost sharing, up to 50%, is provided to establish approved conservation practices.

Agency Offering Program: The program is funded through the government-owned Commodity Credit Corporation (CCC) and administered by the Farm Service Agency, with the Natural Resources Conservation Service (NRCS) providing technical assistance.

CRP in Florida: Florida contains part of the Longleaf Pine Initiative national conservation priority area under CRP. This initiative is designed to reforest up to 250,000 acres of longleaf pine forests in nine southern states. It was approved in 2006. Sign-ups for CRP in longleaf pine areas are continuous if eligibility criteria are met.

2008 Farm Bill mandatory funding level: \$100,000,000 for the period of federal fiscal years 2009 through 2012 to provide cost share payments and \$25,000,000 for the period of federal fiscal years 2009 through 2012 to facilitate the transfer of land in CRP land from retired or retiring farmers to beginning or socially disadvantaged farmers or ranchers.

Past US funding: From 2001-2007 CRP was nationally funded at \$11,657,649,000.

Florida Funding Levels: from 2001-2007 Florida was allocated \$22,314,000, which was 0.19% of the U.S. total

Website: www.fsa.usda.gov/dafp/cepd/crp.htm ; in Florida

Contact Information: Florida State FSA Office, P.O. Box 141030. Gainesville, FL 32614-1030, Phone: 352-379-4500, Fax: 352-379-4580

Statutory Reference: 62 Fed. Reg. 7601-7635 (2/19/97) 7 CFR Parts 704 and 1410

<http://www.nrcs.usda.gov/programs/farmland/1996/CRPfrul.html>

4. Conservation Reserve Enhancement Program (CREP)

Type of Program: Technical assistance, Land and Water Leases, Conservation Contract and Cost-Sharing

Purpose: To provide benefits similar to the Conservation Reserve Program (CRP), tailored to meet significant environmental needs of individual states. Proposals are cooperative and must involve a diverse group of stakeholders and generally 20% cost share from non-federal entities. There are CREP programs in about half the states. Language included in the 2008 Farm Bill now allows the U.S. Secretary of Agriculture to give priority to projects that address local, state, and national conservation plans.

Who Can Participate: Landowners must meet the eligibility criteria for the Conservation Reserve Program, plus additional criteria to meet individual states' programs.

How it Works: A specific CREP project begins when a state, tribe, local government, or local nongovernmental entity identifies an agriculture-related environmental issue of state or national significance. These parties and FSA then develop a project proposal to address particular environmental issues and goals. Proposals are developed by diverse groups of stakeholders with FSA and NRCS guidance and submitted through the governor to FSA. State and federal partnerships provide landowners with incentive payments, cost-share assistance, and rental payments for installing specific long-term conservation practices on eligible land. Landowners enter into contracts for 10-15 years and remove certain lands from agricultural production.

Agency Offering Program: Local offices of the U.S. Farm Services Agency; Natural Resources Conservation Service, Soil and Water Conservation District.

CREP funding: CREP is funded through Conservation Reserve Program at varying annual levels.

CREP in Florida: USDA and the State of Florida have launched a \$153 million Conservation Reserve Enhancement Program (CREP) to restore environmentally sensitive land in the Florida Everglades, its estuaries, and river lagoon systems.

Website: www.fsa.usda.gov/dafp/cepd/crep.htm ;

Contact Information: Florida State FSA Office, P.O. Box 141030. Gainesville, FL 32614-1030, Phone: 352-379-4500, Fax: 352-379-4580

Statutory Reference: 62 Fed. Reg. 7601-7635 (2/19/97) 7 CFR Parts 704 and 1410
<http://www.nrcs.usda.gov/programs/farmbill/1996/CRPfrul.html>

5. Conservation Stewardship Program

(Note: This is formerly the Conservation Security Program, changed in 2008 Farm Bill.)

Type of Program: Stewardship Exchange Agreement, Conservation Contract

Purpose: To promote the conservation and improvement of soil, water, air, energy, plant and animal life on working private and tribal lands by providing incentives to landowners for adopting, improving, and maintaining practices to achieve environmental benefits.

Who Can Participate: The program was funded originally on a watershed basis in a limited number of locations across the nation. Language in the 2008 Farm Bill now makes this program nationally available and not limited to specific watersheds. Eligibility and priority for individual landowners/producers is based on a high level of current and planned conservation activities. Contracts are ranked to prioritize producers whose overall conservation activities have the greatest environmental benefit. The Adjusted Gross Income provision in the 2008 Farm Bill will exclude producers who make more than \$1 million dollars a year from CSP and other conservation programs unless two-thirds or more of the income is from farming. An exception can be made on a case-by-case basis if the Secretary of Agriculture determines that environmentally sensitive land of species significance would be protected.

How it Works: Contract duration is five years. Producers must agree to adopt new practices and maintain and improve existing conservation activities to address priority resources of concern identified for the producer's area or watershed. Language in the 2008 Farm Bill allows the U.S. Secretary of Agriculture to develop additional criteria for evaluating applications to ensure that national, state and local conservation priorities are effectively addressed. The program will enroll approximately 12.77 million acres nationwide every year through 2012.

2008 Farm Bill Mandatory Funding: The bill adds \$1.1 billion in this fiscal year, and will allow enrollment of nearly 115 million acres over the next 10 years.

Past U.S. Funding: In 2007 \$237,344,712 was allocated for the program nationwide.

Past Florida Funding: Florida's CSP was allocated \$391,791 in 2007, which was just .17% of U.S. funding.

Agency Offering Program: Natural Resources Conservation Service

Website: www.nrcs.usda.gov/programs/csp/;

<http://www.fl.nrcs.usda.gov/programs/flcsp.html>

Contact Information: Find your local NRCS office in the local phone book or at <http://offices.sc.egov.usda.gov/locator/app> ; see attached sheet with NRCS contacts

Statutory Reference: 70 Fed. Reg. 15201-15223 (3/25/05) 7 CFR Part 1469

http://www.nrcs.usda.gov/programs/csp/pdf_files/cspfedregcomments.pdf

** will be revised following 2008 Farm Bill rulemaking

<http://agriculture.house.gov/inside/Legislation/110/FB/Conf/CRIlang.pdf>

6. Environmental Quality Incentives Program (EQIP)

Type of Program: Cost-Share Incentive, Technical Assistance, Conservation Contract

Purpose: To promote agricultural production and environmental quality as compatible national goals by providing payments to producers to adopt and maintain conservation practices.

Who Can Participate: Landowners with livestock or agricultural production on cropland, rangeland, pasture, private non-industrial forestland, and other working farm or ranchlands. To be eligible for the program applicants must be an agricultural producer engaged in livestock or agricultural production; be in compliance with the highly erodible land and wetland conservation provisions of the 1985 Farm Bill; provide the Social Security number of all individuals who will benefit from the assistance; meet the Adjusted Gross Income provision of the 2008 Farm Bill will exclude producers who make more than \$1 million dollars a year from EQIP and other conservation programs unless two-thirds or more of the income is from farming, with exceptions on a case-by-case basis if the U.S. Secretary of Agriculture determines that environmentally sensitive land of species significance would be protected; have an interest in the farming operation associated with the land being offered for EQIP enrollment; have control of the land for the term of the contract; and be within appropriate payment limitation requirements (2008 Farm Bill limits the amount of total conservation program payments paid to an individual or entity to an aggregate of \$300,000 over a six-year period. Each state will develop local priorities for EQIP funding, based on national priorities.

National Priorities: Reduction in water pollution, water conservation, reduction of emissions, reduction in soil erosion, and wildlife habitat for at-risk species

Florida Priorities: Water quality (proximity to sensitive wetland areas, assistance in offsetting laws and regulations, impaired watersheds, karsts features, or in high aquifer recharge area), soil erosion, plant and animal health (reduction of invasive species, assisting at-risk and threatened and endangered species, longleaf pine establishment, and improvement of wildlife habitat. Different areas have different local priorities which are listed on the Florida NRCS website: <http://www.fl.nrcs.usda.gov/programs/eqip/flequip.html>

How it Works: EQIP offers financial and technical assistance to help eligible participants install or implement structural and management practices on eligible agricultural land. One to 10 year contracts provide incentive payments and cost-shares to implement conservation practices. The 2008 Farm Bill adopts a new process for determining payment levels for conservation practices based on the costs associated with adopting a practice and revenue foregone by the producer. The NRCS can assist in the development of a plan and must approve the plan. The cost-share for certain conservation practices is up to 75%. Socially disadvantaged farmers or ranchers are eligible to receive an increased cost share rate that is 25% above the otherwise available rate, to a maximum of 90%. These producers may also receive up to 30% of their total contract in advance to provide funds for materials and contracting. Incentive payments may be provided for up to three years to encourage producers to try practices they may not otherwise try. The 2008 Farm Bill also makes additional forestry practices eligible including forest management and fuels management.

2008 Farm Bill Funding Levels: Increased by 27.2% for a total of \$3.393 billion. Producers can receive grants up to \$300,000 over any six year period, with the Secretary authorized to exceed the cap up to \$450,000 for projects of special environmental significant.

Past U.S. Funding: From 2003 to 2007 EQIP was funded nationally at \$4,545,063,274.

Past Florida Funding: From 2003-2007 Florida EQIP was allocated 2.5% of this national funding for a total of \$ 4,545,063,274.

Agency Offering Program: Natural Resources Conservation Service

Website: www.nrcs.usda.gov/programs/eqip/ ; in Florida

<http://www.fl.nrcs.usda.gov/programs/eqip/flequip.html>

Contact Information: Find your local NRCS office in the local phone book or at

<http://offices.sc.egov.usda.gov/locator/app> ; see attached sheet with NRCS contacts

Statutory Reference: 68 Fed. Reg. 32337-32355 (5/30/03) 7 CFR Part 1466

<http://www.nrcs.usda.gov/programs/farmbill/2002/rules/eqip030530.html>

7. Forest Land Enhancement Program (FLEP) – Program may be discontinued

Note: This program consolidates and replaces the Forestry Incentives Program (FIP) and Stewardship Incentives Program (SIP).

Type of Program: Technical Assistance, Cost-Sharing

Purpose: To provide educational, technical, and cost-share assistance to help private forest landowners implement sustainable forestry management objectives.

Who Can Participate: Non-industrial private forest landowners are eligible. The cost-share practices are limited to the treatment of 1,000 acres per year with an aggregate payment not to exceed \$100,000 for the life of this Farm Bill. A waiver for the treatment of up to 5,000 acres is available if significant public benefit is shown. The waiver is granted through the Florida Division of Forestry, State Forester and approved by the Regional Forester. There is no limit to the amount of forest land owned by an individual as long as the person qualifies as and NIPF owner.

How it Works: This program is administered through each state, optional in each and voluntary for landowners. Each state develops priorities for how the funds will be used, including minimum and maximum acres, aggregate payment, use for technical and educational assistance, and practices that receive cost-share assistance. Landowners need a forest management plan to be eligible for cost-share assistance. The cost-share practices are usually limited to 1,000 acres per year per landowner. Cost share rate is 50-70%.

U.S. Funding: Originally given \$100 million in 2002 Farm Bill, but some of this was given to wildfire suppression during 2003. Funding is based on varying annual appropriation.

Funding in Florida: \$175,000 in 2006.

Agency Offering Program: U.S. Forest Service and state forest agencies.

Website: www.fs.fed.us/spf/coop/programs/loa/flep.shtml

Contact Information: U.S. Forest Service, John Knox Road, Suite F-100, Tallahassee, FL 32303, Phone: (850) 523-8500.

Statutory Reference: 68 Fed. Reg. 34309-34319 (6/9/08) 36 CFR Part 230, Subpart C

<http://www.fs.fed.us/spf/coop/library/FLEP%20Rule.pdf>

Revised IRS ruling: 2004 IRB LEXIS 113; 2004-10 I.R.B. 544; REV. RUL. 2004-8

<http://www.fs.fed.us/spf/coop/library/IRS%20FLEP%20Ruling.pdf>

8. Partners for Fish and Wildlife (PFW)

Type of Program: Technical Assistance, Cost-Sharing

Purpose: To support voluntary restoration of wetlands and other fish and wildlife habitats on private land through public-private partnerships. Projects are designed to restore native habitat to as near a natural state as possible.

Who Can Participate: Private land (any land not in state or federal ownership)

How it Works: Landowners must provide a 1:1 non federal match (including in-kind). Landowners agree to retain the restoration projects for at least 10 years, and otherwise retain full control of their land. High priority projects address one of more of these criteria: benefit migratory birds, migratory fish, or threatened and endangered species; high priority areas identified by state fish and wildlife agencies and other partners; located near National Wildlife Refuges; or reduce habitat fragmentation. The program also provides technical assistance to the United States Department of Agriculture and to landowners participating in conservation programs administered by the USDA under the farm bill.

PFW in Florida: Focuses on habitat restoration of native habitats such as longleaf pine, sandhill, and scrub, restoration of degraded streams and wetlands, and eradication of invasive and exotic species. The program in Florida has been active since 1996 and received strong acceptance by private landowners. As of 2007, 181 private landowners had restored over 28,258 acres and Partners' biologists have conducted over 200 technical assistance visits to private landowners.

Agency Offering Program: U.S. Fish and Wildlife Service (USFWS)

U.S. Funding: up to \$75,000,000 for each fiscal year 2006-2011 was authorized in the Partners for Fish and Wildlife Act.

Website: <http://ecos.fws.gov/partners/viewContent.do?viewPage=home>

Contact Information: For a contact in your area, go to

<http://www.fws.gov/partners/HowToPartner/altcont.html>

Statutory Reference: PUBLIC LAW 109-294—OCT. 3, 2006 120 STAT. 1351 Partners for Fish and Wildlife Act 16 USC 3771 (10/3/06)

<http://www.fws.gov/partners/docs/1151.pdf>

9. Private Stewardship Grant Program (PSP)

Type of Program: Cost-Sharing, Grants

Purpose: To provide grants and other assistance on a competitive basis to individuals and groups for voluntary conservation efforts to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

Who Can Participate: Private landowners, groups and organizations that partner with landowners. Lands owned or leased by organizations may be eligible if the conservation actions go beyond measures and plans already in place or otherwise required.

How it Works: A proposal needs to describe the conservation efforts to be undertaken, provide a plan for how and by whom the work will be implemented, describe the land where the work will be done, and explain the benefits for the targeted at-risk species. A 10% non-federal match (cash or in-kind) is required.

PSP in Florida: Florida has received a number of grants since 2003 targeting improvements in habitat for the red-cockaded woodpecker, restoring longleaf pine, and removing exotic species.

Funding in US: From 2003-2007 funding nationally was \$29.2 million.

Funding in Florida: Of the national funds, Florida has received \$986,635 and \$434,023 in multi-state grants.

Agency Offering Program: U.S. Fish and Wildlife Service (USFWS)

Website: <http://endangered.fws.gov/grants/private%5Fstewardship/>

Contact Information: privatestewardship@fws.gov , 503-231-6241

Grants Reference: 15.632 Private Stewardship Grant Program
http://www.fws.gov/endangered/pdfs/PrivateStewardship/PSGP_2007_fulltext.pdf

10. Wildlife Habitat Incentives Program (WHIP)

Type of Program: Cost-Sharing, Conservation Contract, Educational/Technical Assistance

Purpose: To assist landowners who want to establish and improve aquatic or upland wildlife habitat. Projects with declining wildlife species are prioritized.

Who Can Participate: In the past WHIP provided assistance to private landowners who were unable to meet the specific eligibility requirements of other United States Department of Agriculture conservation programs. This could be any landowner. The 2008 Farm Bill limits WHIP funds to agricultural producers and non-industrial private forest lands. The bill also allows the Secretary to provide priority to projects that address issues raised by state, regional, and national conservation initiatives including the State Wildlife Action Plans. The Adjusted Gross Income provision in the 2008 Farm Bill will exclude producers who make more than \$1 million dollars a year from WHIP and other conservation programs unless two-thirds or more of the income is from farming. An exception can be made on a case-by-case basis if the U.S. Secretary of Agriculture determines that environmentally sensitive land of species significance would be protected.

How it Works: Natural Resources Conservation Service works with the participant to develop a wildlife habitat plan for their property. WHIP agreements generally last from 5 to 10 years. The program provides up to 75% cost sharing. Participants voluntarily limit future use of the land for a period of time, but retain private ownership.

National Priorities: Promote the restoration of declining or important native wildlife habitats; protect, restore, develop or enhance wildlife habitat of at-risk species (state and federally candidate species, and listed threatened and endangered species); reduce the impacts of invasive species on wildlife habitats; and protect, restore, develop or enhance declining or important aquatic wildlife species' habitats.

Florida Priorities: Include direct benefits to state and federally listed species, neotropical or migrant birds, northern bobwhite quail, rare or declining habitats and tracts strategically located within or near a Strategic Habitat Conservation Area used in the State Wildlife Action Plans.

2008 Farm Bill Funding: \$85,000,000 each of federal fiscal years 2008-2012

Past U.S. Funding: 2002-2007 funding was at \$168,412,765

Past Florida Funding: From 2002-2007 Florida received 1.45 % of WHIP funding for a total of \$2,433,571.

Agency Offering Program: Natural Resources Conservation Service (NRCS)

Website: www.nrcs.usda.gov/programs/whip/ ; in Florida:

<http://www.fl.nrcs.usda.gov/programs/flwhip.html>

Contact Information: Find your local NRCS office in the local phone book or at <http://offices.sc.egov.usda.gov/locator/app> ; see attached sheet with NRCS contacts

Statutory Reference: 67 Fed. Reg. 48353 (7/24/02)

<http://www.nrcs.usda.gov/programs/farmbill/2002/pdf/whiprule02.pdf>

** Rule will change during rulemaking following the passage of 2008 Farm Bill.

b. Land and Water Leases

c. Conservation Contracts

d. Debt Forgiveness

1. USDA Debt For Nature Program

Type of Program: Debt Forgiveness

Purpose: Borrowers reduce their U.S. Farm Service Agency (FSA) debt from loans, thereby improving their overall financial stability, in exchange for conserving wildlife habitat and improving the environmental and scenic value of their farms.

Who Can Participate: Landowners with FSA Loans secured by real estate with eligible lands (wetlands; highly erodible lands; lands containing aquatic life, endangered species, or wildlife habitat of local, regional or national importance; lands in 100-year floodplains; areas of high water quality or scenic value; historic or cultural properties listed or eligible for the National Register of Historic Places; aquifer recharge area of local, regional, or state importance; buffer zones necessary to protect proposed conservation easement areas; areas within or adjacent to federal, state, or local conservation areas). Borrowers need not be current on loan payments to apply.

How it Works: The FSA will determine if the borrower is eligible and establish a contract review team. This team, consisting of representatives from FSA, the Natural Resource Conservation Service, the U.S. Fish and Wildlife Service, and interested state, local, and nonprofit conservation agencies, will work with the prospective borrower to conduct a field evaluation of the farm. Within 30 days of the site review, the team provides a report to the county FSA official indicating the suitability of the land, potential contract boundaries, recommended contract conditions, and a proposed management plan. In general, the maximum amount of a borrower's FSA debt that can be canceled is calculated by considering the present market value of the farm; the borrower's FSA debt secure by real estate; and the number of acres to be covered by the contract. For borrowers who are up to date on their loan payments or receiving a new loan secured by real estate, no more than 33 percent of the loan principal can be canceled in exchange for a contract. For delinquent borrowers, the amount of debt canceled may surpass this amount provided it does not exceed the appraised value of the land on which the contract is placed. The term of a conservation contract may be 50, 30, or 10 years. In general the following activities are prohibited: Building, construction, or other development; alteration of vegetation or surface or ground water, except for the purposes of wildlife habitat restoration or management; allowing access for livestock unless necessary to provide drinking water; harvesting timber; agricultural production; placing refuse, wastes, or other debris or contaminants on the contract area. Timber thinning and harvesting and other compatible uses may be allowed if they achieve the contract goals. The borrower retains the rights to control public access on the contract area and may use the area in a manner compatible with the contract (hunting and fishing).

Funding Level: Currently unfunded

Agency Offering Program: U.S. Farm Service Agency

Website: www.fsa.usda.gov

Contact: Russell Johnson, Florida FSA, 352-379-4500

Statutory Reference: Not available

e. Insurance

VII. Tax Incentives

a. Federal Income Tax Incentives

1. Federal Income Tax Incentives

Type of Programs: Financial Incentive

Purpose: To encourage habitat conservation income tax deductions are given to landowners for donating conservation easements, for incurring conservation expenditures, and from revenue derived on lands that are managed to support natural habitat. The value of a donated conservation easement may be deducted from federal income taxes if the easement is for conservation purposes and is transferred to a qualified organization.

Who Can Participate: Landowners with qualifying easement donations. The easement must be perpetual, donated to a qualified organization for conservation purposes and provide some benefits to the general public. The land subject to an easement must either protect a scenic view for the general public, open space, an important, relatively natural habitat, or historic property, or provide public education or outdoor recreation.

How it Works: A conservation agreement donor can deduct up to 50% of their adjusted gross income in any year; qualifying farmers and ranchers can deduct up to 100% of their adjusted gross income. Donors can take deductions for their contribution over as many as 16 years. Exclusion of cost share payments from gross income – Section 126 of the Internal Revenue Code allows landowners to exclude from their gross income all or some of the cost-share payments received from federal and state government conservation programs. In order to do so 2 conditions must be met: (1) the U.S. Secretary of Agriculture must determine that the payment is primarily for the conservation of soil and water resources, protecting or restoring the environment, improving forest or providing wildlife habitat; and (2) The U.S. Secretary of the Treasury must determine that the payment does not significantly increase the annual income derived from the property. Deductions for Conservation Expenditures: Section 175 of the Internal Revenue Code enables landowners who invest in soil or water conservation to deduct relevant expenses on their income tax return, as long as the land is or was used in the past for agriculture. A donated conservation easement can also qualify as a charitable gift, which entitles the landowner to deductions on their federal income tax return based on meeting several conditions specified in the Internal Revenue Code.

Statutory Reference: Internal Revenue Code (IRC) 170(h); 26 CFR Ch. 1(4-1-03 Edition)

2. Economic Incentives for Land Development Regulation

Type of Program: Financial incentives

Purpose: To finance the implementation of the growth policy (comprehensive) plan, specifically provisions for urban infill and redevelopment.

Who Can Participate: Local governments

How it Works: A local government with an adopted urban infill and redevelopment plan may issue revenue bonds and employ tax increment financing for the purpose of implementing the growth policy plan, and areas designated by a local government as urban infill and redevelopment areas shall be given a priority in the allocation of private activity bonds from the state pool.

Agency offering Program: Many local governments, working in coordination with the Florida Department of Community Affairs.

Contact: Florida Department of Community Affairs, Sadowski Bldg., 2555 Shumard Oak Blvd.

Tallahassee, FL 32399-2100

Email: ContactDCA@dca.state.fl.us

Telephone: (850)488-8466

Fax: (850)414-8566

Website: <http://www.dca.state.fl.us/> (Availability of these programs are triggered during submission of comprehensive planning change requests by local governments.)

Statutory Reference: s. 163.252, Florida Statutes

3. Endangered Species Recovery Expenditures

Under present law, a taxpayer engaged in the business of farming may treat expenditures that are paid or incurred by him during the taxable year for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion loss of land used in farming, as expenses that are not chargeable to capital account. Such expenditures are allowed as a deduction, not to exceed 25 percent of the gross income derived from farming during the taxable year. Any excess above such percentage is deductible for succeeding taxable years, not to exceed 25 percent of the gross income derived from farming during such succeeding taxable year.

Change in 2008 Farm Bill (Conference Agreement)

The Senate amendment adds to the above that expenditures paid or incurred by a taxpayer engaged in the business of farming for the purpose of achieving site-specific management actions pursuant to the Endangered Species Act of 1973 are to be treated the same as expenditures for the purpose of soil or water conservation in respect to land used in farming, or for the prevention of erosion of land used in farming, i.e., such expenditures are treated as not chargeable to capital account and are deductible subject to the limitation that the deduction may not exceed 25 percent of the farmer's gross income derived from farming during the taxable year. The conference agreement provision is effective for expenditures paid or incurred after December 31, 2008.

b. Capital Gains Tax Incentives

c. Property Tax Incentives

Note: This includes tax credits for habitat maintenance or improvement or partial tax credits for Endangered Species Act compliance expenditures. A key complimentary incentive is related to how land values are assessed for appraisal purposes.

1. Agriculture Incentive Program (ASP)-Hillsborough County

Type of Program: Tax Incentive

Purpose: The Agriculture Stewardship Program (ASP) in Hillsborough County, Florida, uses economic incentives in the form of property tax relief to maintain agriculture in the region.

Who Can Participate: Agricultural landowner/operators.

How it Works: In the ASP, a landowner agrees to not convert agricultural land to a non-agricultural use for 10 years in exchange for an annual Agriculture Stewardship Grant, which is based on a percentage of the *ad valorem* taxes paid to the county in the prior calendar year on the taxable value of land classified as agricultural and agriculture production-related structures located on the land.

Agency Offering Program: Hillsborough County, Florida

Website: www.hillsboroughcounty.org/green/econdev.cfm

2. Greenbelt Assessment

Type of Program: Tax Incentive

Purpose: To allow agricultural property to be assessed at a lower *ad valorem* tax rate than other land uses.

Who Can Participate: Agricultural landowners.

How it Works: A “Greenbelt” *ad valorem* property tax relief is provided through a land valuation provision in the Florida State Constitution that classifies and assesses the rate of tax on properties that are classified as agricultural land, land producing high water recharge to aquifers, or land used solely for noncommercial recreational purposes, allowing for the property tax assessment to be based solely on that character of use, which in many cases greatly reduces the property taxes on rural lands.

Constitutional Reference: ARTICLE VII, SECTION 4, Constitution of the State of Florida

2008 Tax and Budget Reform Commission Proposal: Conservation Valuation

If approved by Florida voters in the November 2008 General Election, an addition to the Greenbelt constitutional provision will allow all lands used for conservation purposes to be classified by general law and assessed solely on the basis of character of use as natural resource conservation properties, which will also provide a greenbelt type valuation to lower the property tax burden on rural lands used for conservation.

3. 2008 Tax and Budget Reform Commission Proposal

If approved by Florida voters in the November 2008 General Election, a full ad valorem property tax exemption will be provided for landowners who have placed a perpetual conservation easement or other perpetual conservation protection over their property.

Constitutional Reference: ARTICLE VII, SECTION 3(g), Constitution of the State of Florida

4. Intangible Personal Property Tax Incentive

Type of Program: Tax incentive

Purpose: Provide intangible personal property tax relief to owners of lands used for charitable purposes

Who Can Participate: Land trusts

How it Works: Intangible personal property owned by nonprofit religious, nonprofit educational, or nonprofit charitable institutions is exempt from taxation under Florida law assessing intangible personal property, where a land trust is considered a “Charitable institution.” A landowner who donates land or interests in land to an institution qualified as charitable under s. 501(c)(3) of the United States Internal Revenue Code or forms such an institution, such as a land trust, will be exempt from the 2 mills imposed on each dollar of

the just valuation of all notes, bonds, and other obligations for payment of money which are secured by mortgage, deed of trust, or other lien upon real property. Intangible personal property shall not be deemed to be owned by such exempt institutions if it is held in a trust of any kind under which the institution has no present interest in the trust principal.

Agency Offering Program: Each individual County Tax Assessor's Office

Statutory Reference: s. 199.183, Florida Statutes

d. Federal Estate Tax Incentives

1. Federal Taxpayer Relief Act

Purpose: The Federal Taxpayer Relief Act provides landowners an incentive for putting land under conservation easement by excluding 40 percent of the land value for the taxable estate under a qualifying easement. The maximum amount that can be excluded is \$500,000.

Who Can Participate: Landowners who put land into a conservation easement.

How it Works: This tax benefit is available for easements that reduce the fair market value of a property by at least 30 percent. Fewer benefits are available for easements that reduce property values by less than 30 percent. A conservation easement can greatly reduce the fair market value of land, especially in areas facing intense development pressure (like Florida). The Internal Revenue Code allows the value of donated easements to be deducted from the taxable estate of the landowner, significantly lowering the estate taxes. Right now this incentive has little value because in 2001 tax law began to phase out the estate tax altogether by raising the unified credit to \$1 million in 2002, \$3.5 million in 2009 and no estate tax in 2010. However, the estate tax will return in 2011, unless Congress takes action to change it before then.

Contact: United States Internal Revenue Service, tax attorneys

Statutory Reference: Public Law 105-34

<http://www.aacc.nche.edu/Content/NavigationMenu/GovernmentRelations/PublicLaws/pl105-34.pdf>

VIII. ASSISTANCE PROGRAMS

d. Education, Information and Technical Assistance

1. Common Species Common

Type of Program: Technical Assistance and Cost-Sharing

Purpose: The purpose of CSC is to improve habitat conditions for wildlife by focusing conservation efforts on high priority habitats outlined in Florida's Wildlife Action Plan (www.myfwc.com/wildlifelegacy/strategy.html).

Who can Participate: Private landowners

How it Works: HCSS biologists make specific recommendations (i.e. prescribed burning, ground cover restoration, etc.) that can be cost-shared to restore and conserve degraded habitats such as sandhill and scrub.

Agency offering Program: Florida Fish and Wildlife Conservation Commission

Website: www.myfwc.com/LAP/financial.htm

Contact: Brian Brancifort, FWCC (850) 410-0656 ext 17309, 620 S. Meridian St. Tallahassee, FL 32399-1600

Email: Brian.Branciforte@MyFWC.com;

2. Conservation Technical Assistance

Type of Program: Technical assistance

Purpose: To provide technical assistance and education to landowners for planning and implementing conservation systems that address diverse natural resource issues (including USDA cost share programs and conservation incentive programs). Other technical assistance relates to complying with state and local requirements, complying with federal regulations related to soil erosion and wetlands, and developing and implementing conservation plans needed to ensure compliance with the law.

Program Priorities: Planning to assist the owners and operators of animal feeding operations to address their conservation needs with an emphasis on helping those owners and operators who need to comply under the EPA's CCAFO rule.; Reductions of non-point source pollution, such as nutrients, sediment, pesticides, or excess salinity in impaired watersheds consistent with Total Maximum Daily Load (TMDLs) restrictions where available as well as the reduction of groundwater contamination and reduction of point sources, conservation of ground and surface water resources; reduction of emissions; reduction in erosion and sedimentation; promotion of at-risk species habitat.

Who Can Participate: Land users, communities, units of state and local government, other federal agencies.

How it Works: NRCS provides conservation technical assistance to private landowners, conservation districts, tribes, and other organizations through a national network of locally respected, technically skilled, professional conservationists who provide science-based solutions to help landowners conserve, maintain and improve the resource base. Most technical assistance provided by NRCS is based on the voluntary development of a conservation plan - a resource assessment of the land that allows the client to determine the opportunities for using the resources under their care and how they may achieve their goals. A successful plan helps client achieve their objectives while, at the same time, meet his or her responsibility to care for the land.

Agency Offering Program: Natural Resources Conservation Service (NRCS)

Website: <http://www.nrcd.usda.gov/programs/cta> ; in Florida:
<http://www.nrcs.usda.gov/programs/cta/>

Contact: James Johnson, Acting CTA Leader, 202-690-5988; see attached chart for local contacts.

3. Forest Stewardship Program (FSP)

Type of Program: Technical assistance

Purpose: To provide technical assistance, through state forestry agencies, to non-industrial private forest owners to encourage and enable active long-term forest management to provide timber, wildlife habitat, watershed protection, recreational opportunities and many other benefits for landowners and society, both now and in the future. A primary focus of the Program is the development of comprehensive, multi-resource management plans that provide landowners with the information they need to manage their forests for a variety of products and services.

Who Can Participate: Non-industrial private forest landowners who are committed to the active management and stewardship of their forested properties for at least ten years; minimum ownership is 20 acres.

How it Works: Landowners develop comprehensive, multi-resource management Forest Stewardship plans that provide information and strategies to manage their forests for a variety of products and services to sustain forest health and vigor. The FSP is not a cost share program. Cost-share assistance for plan implementation may be available through other programs such as the Forest Land Enhancement Program.

Farm Bill 2008 Funding: Must go through appropriations

Past US Funding: from 2004-2006 funding was over \$10 million nationally.

Past Florida funding: No projects completed

Agency Offering Program: US Forest Service and state forestry agencies (Florida Division of Forestry)

Website: www.fs.fed.us/spf/coop/programs/loa/fsp.shtml ; in Florida: http://www.fl-dof.com/forest_management/cfa_steward_index.html

Contact: Tony Grossman, Conservation Programs Manager, Telephone: 850/414-9907, Fax: 850/ 921-8305, Email: grossma@doacs.state.fl.us; Ed Kuester, Florida Division of Forestry, 3125 Conner Blvd. Tallahassee, FL 32399-1650, Phone: 850/414-9929, FAX: 850/ 921-6724
Email: kuestee@doacs.state.fl.us

4. Small County Technical Assistance Program

Type of Program: Technical assistance

Purpose: To provide opportunities for revenue enhancement beyond the development potential of lands in small rural counties.

Who Can Participate: Counties with a population of 75,000 or less

How it Works: The state Department of Agriculture and Consumer Services will assist small counties in developing alternative revenue sources, provide assistance to small counties in areas such as financial management, accounting, investing, purchasing, planning and budgeting, debt issuance, public management, management systems, computers and information technology, economic and community development, and public safety management, and award contracts to non-profit entities who will assist small counties to better develop revenue sources other than ad valorem tax revenue. Many of the forms of

assistance are in relation to improvement of agricultural enterprises and similar efforts that have the effect of providing non-development revenue opportunities for rural landowners.

Contact: Britt Evans, Rural Development Coordinator, Florida Division of Forestry, Forest Management, 3125 Conner Boulevard, Tallahassee, FL 32399-1650

Telephone: (850) 414-9955

Email: evansbl@doacs.state.fl.us

Website: http://www.fl-dof.com/forest_management/cfa_rural_index.html

Statutory Reference: s. 163.05, Florida Statutes

5. Soil and Water Conservation Assistance

Type of Program: Direct funding, Technical assistance, Conservation Contract and Cost-Sharing

Purpose: To encourage farmers and ranchers to voluntarily address threats to soil, water, and related natural resources, including grazing land, wetlands, and wildlife habitat. The program will also help landowners comply with federal and state environmental laws and make beneficial, cost-effective changes to cropping systems, grazing management, nutrient management, and irrigation.

Who Can Participate: SWCA is available nationwide, but only in areas that are not designated as priority areas for the Environmental Quality Incentives Program (EQIP), Wetlands Reserve Program (WRP), and Conservation Reserve Program (CRP). Applicants must own or control the land.

How it Works: NRCS will work with the landowner to develop a (required) conservation plan. NRCS will determine eligible practices using a locally led process. There is a five to ten year contract period. The maximum total payment per participant shall not exceed \$50,000. The federal cost share is 75% of the cost of an eligible practice.

Agency Offering Program: Natural Resources Conservation Service (NRCS)

Website: www.nrcs.usda.gov/programs/swca/

Contact Information: Find your local NRCS office in the local phone book or at <http://offices.sc.egov.usda.gov/locator/app>; see attached sheet with NRCS contacts

e. Legal and Administrative Assistance

f. Recognition

SECTION III

APPENDIX A: CONSERVATION INCENTIVES TOOLKIT GLOSSARY

CONSERVATION TOOLKIT GLOSSARY

CONSERVATION ALTERNATIVES – Alternatives to traditional conservation incentive programs that encourage landowners to engage in conservation activity by limiting landowner liability, or providing regulatory relief from environmental statutes.

Legal/Statutory Conservation Alternatives– new rules or regulations that in some way limit landowner liability or issue some type of permit for habitat modification

Safe Harbor – The Fish and Wildlife Service and the National Marine and Fisheries Service provide participating property owners assurances that additional land, water and natural resource use restrictions will not be imposed as a result of their voluntary conservation actions to benefit listed species. When the property owner meets all the terms of the agreement, the Services will authorize incidental taking of the covered species at a level that enables the property owners ultimately to return the enrolled property back to agreed upon baseline conditions. This program assists landowners with the uncertainties of managing their lands that are habitat of federally listed species.

Candidate Agreements – In return for voluntary land management to benefit wildlife that is declining and may be listed in the future (but not currently listed under Endangered Species Act), the landowner receives future regulatory certainty that if a species covered by a CCAA is later listed, the landowner enrolled in that agreement has no legal obligations beyond what he or she committed to do in the CCAA.

Regulatory Relief – Exempts a landowner from legal obligations that are part of environmental regulations. This may also include liability limitation.

PROPERTY INCENTIVES --Property incentives change the distribution of habitat ownership use or rights that provide opportunities for landowners to alter their legal rights use or ownership of their property, usually in exchange for money.

Conservation Easements – A legal agreement that transfers a portion of the rights associated with a piece of property, such as development rights, while allowing landowners to maintain ownership and to use the land in ways that does not conflict with the terms of the easement. Landowners agree to give up specific rights regarding how the land will be used but can otherwise continue to use and enjoy the property as before. Easements can be term (for a period of years) or “in perpetuity” (forever). Easements run with the land even if it is sold to new owners.

Covenant -- A covenant is a contract between a landowner and a second party that may stipulate certain land uses or practices. Like easements, a covenant can be used to restrict certain land uses, and it may follow the property to subsequent owners. Covenants are less secure than conservation easements because they do not follow a uniform federal statute, lack clear enforcement provisions, and may be challenged by future landowners.

Deed Restrictions – Deed restrictions are similar to covenants in that they are used to restrict the land use. They are generally not enforceable or transferable.

Stewardship Exchange Agreements – Agreements in which landowners implement conservation measures on their private land in exchange for use privileges on public land.

MARKET-BASED PROGRAMS – affect the value of a resource (including wildlife habitat), or a product derived from a resource through the creation of new economic opportunities.

User Fees – state authorized fees charged to third parties for the use of natural resources, which may be consumptive or non-consumptive, on public or private land. Fees involve an agreement between a landowner who engages in conservation activity and a public agency that regulates a particular natural resource. Compatible consumptive use usually includes hunting, fishing, wildlife viewing, etc. In this situation the landowner installs a conservation practice or establishes an easement, but charges others to use the land for hunting, or other compatible uses.

Eco-Tourism -- tourism rooted in the notion of honoring the environment and impacting it as little as possible. This can be a source of revenue for landowners who create eco-tourism opportunities on their land.

Ecolabeling and Certification – provides consumers with information regarding the environmental impact of a good or service. The idea behind these labels is to use product information to change producer and consumer behavior and to improve environmental health by linking management practices to consumer demand for environmentally friendly products. A government agency or private certification organization sets standards which must be met to allow the product to use the eco-label. Certification inspection is carried out by a third party or a government agency confirms that the product meets certification standards.

Mitigation Banking – Preserving and/or restoring large contiguous natural areas for the purpose of mitigating in advance the adverse effects of development or other land alteration activities; mitigation banks allow developers and landowners with eligible sites to transfer mitigation responsibility to multi-acres “bank” sites of degraded lands that bank operators enhance or restore to carry out their clients mitigation responsibilities. Mitigation banks began mostly as an effort to protect wetlands but some communities now use it to protect habitat for threatened and endangered species. Wetland mitigation is authorized by the Clean Water Act Section 404 permit program and the Swamp-Buster Provisions of the 1985 Farm Bill. It is overseen by federal agencies and requires developers or agricultural producers to replace, in equal amounts, the wetlands they destroy.

Conservation Banking – The purpose of conservation banks is to proactively preserve large contiguous tracts of habitat to offset impacts from development activities. Areas are set aside to provide habitat for endangered or at risk species.

Conservation banking allows private landowners to obtain conservation credits for conserving and maintaining endangered species or their habitat. Credits are “banked” for future trading and banks must be pre-approved by federal and state agencies and established within the context of a federal habitat conservation plan under the Endangered Species Act.

Purchase of Development rights – Pay landowners for placing a deed restriction on their land that limits its future development.

Transfer of Development Rights – Permits property owners in development-restricted areas to sell their development rights to property owners in designated receiving areas where development is allowed. Participating in this type of program requires the community to establish designated sending and receiving areas. Credits are awarded to landowners who establish conservation easements in sending areas and these credits can be purchased by landowners in receiving areas who can use the credits to increase the density of developments in the receiving areas and thus increase their profits.

FINANCIAL INCENTIVES – Payment in exchange for habitat conservation or projects and activities that improve habitat.

Compensation Programs – Designed to reimburse individuals who suffer economic losses due to wildlife depredation or damage. Full or partial payment is made in the form of cash or other assistance. Programs are managed by both public and private entities and their overall purpose is to mitigate human/wildlife conflicts, with the intention of providing support for the presence of wildlife.

Public Cost-Share Incentives – Designed to assist landowners with the costs of implementing habitat and resource conservation projects, each with its own eligibility criteria, payment levels and mechanisms. There are several common characteristics of these programs: 1) most provide technical assistance; 2) most are not aimed directly at species or habitat conservation but instead predominately address soil erosion and water quality problems that have indirect beneficial impacts on species and habitats, especially aquatic habitats; 3) depending on the purpose and structure of each program or recommended management practices, cost share amounts can range from 50 percent to 100 percent. In addition, many programs offer extra incentive payments for the adoption of specific practices or for a selected habitat type.

Private Cost-Share Incentives – Funding of proactive projects and practices to prevent conflicts between landowners’ economic utilization of their resources (crops or livestock) and native wildlife. Private funds are employed to provide assistance to livestock owners and other rural landowners to cost-share preventative measures to avoid conflicts between wildlife and humans.

Land and Water Leases – Land rental payments are given to landowners who install and maintain certain conservation practices on their lands. These leases occur

primarily in the federal sector, and specifically through the U.S. Department of Agriculture.

Conservation Contracts – Resource conservation service contracts between private parties or between private parties and public agencies do not transfer specific ownership rights but contractually bind the landowner to manage his or her land to achieve specific environmental goals. Typically, a landowner who agrees to the contract term receives a payment in return for meeting the outlined objectives. In the private sector, producer-processor contracts can require the use or ban of certain inputs or management practices to improve food safety, water quality, or protect species and their habitats.

Debt Forgiveness – The Farm Service Agency and the U.S. Department of Agriculture manage a Debt for Nature Program which helps landowners improve their overall financial stability and improves wildlife habitat, environmental quality and the scenic value of agricultural lands. The financial incentive is cancellation of a portion of the participant's debt in exchange for conservation activities. Agricultural land that is in a high priority area composed of wetlands, highly erodible lands, or lands in 100-year flood zones may participate. The amount of debt that can be cancelled is calculated by considering the present market value of the farm, the value of the debt itself and the number of acres to be covered by a conservation contract.

Insurance – Insurance programs are similar to compensation programs and are designed to minimize potential financial losses incurred as a result of livestock predation by carnivores. Potential claimants pay premiums to private or public insurance programs and premiums are determined by market values of historic loss rates.

TAX INCENTIVES – Provide a financial benefit to those landowners who maintain or restore land for a variety of conservation purposes. Tax incentives do not seek to balance existing land-based revenues and opportunity costs, but are intended as motivating incentives and economic signals, not as compensation for the effects of lawful and appropriate government regulations.

Income tax incentives – Reductions in federal income tax that result from donating conservation easements, excluding conservation cost-share payments from gross-income or deducting conservation expenditures, and from revenue from lands that are managed to support natural habitat.

Capital gains tax incentives – Taxes on capital gains are taxes placed on the profits from the sale of real estate or investments. Taxes on capital gains may be avoided when a landowners donates land to a qualifying government agency or nonprofit conservation organization. This allows the landowner to write off a portion of value of the property and simultaneously contribute to environmental protection.

Property tax incentives – Allowable tax deductions at the state and/or local level including tax credits for habitat maintenance or improvement, or partial tax credits for Endangered Species Act compliance.

Estate tax incentive – Estate taxes must be paid on the market value of inherited property at its “highest and best use.” This usually means the land’s development potential in terms of housing. The Federal Taxpayer Relief Act provides landowners an incentive for putting land under conservation easement by excluding 40 percent of the land value from the taxable estate under a qualifying easement. The maximum amount that can be excluded is \$500,000. A conservation easement can greatly reduce the fair market value of the land, especially in areas facing intense development pressure. Section 2055(f) of the Internal Revenue Service Restructuring and Reform Act of 1998 amended section 2031(c) allows an estate tax deduction for a post mortem-easement.

ASSISTANCE PROGRAMS – Facilitate and assist landowner participation with, and understanding of, various incentive mechanisms and programs. Programs include provision of education and technical assistance, establishment of administrative structures and landowner recognition programs.

Education, Information and Technical Assistance – Educational programs and technical assistance involve the transfer of conservation information to landowners to improve their decision making and to facilitate the adoption and use of environmental practices. Assistance may range from providing data, disseminating information about new technologies or practices, helping with grant of permit applications, coordinating projects and helping to prepare conservation plans. At the federal and state levels, education and technical assistance are usually offered in a package along with cost-sharing of management practices or some form of land conservation program.

Administrative and Organization Structures -- Administrative incentives refer to implementation procedures that encourage landowners to conserve habitat in exchange for simpler and less cumbersome administrative requirements. Coordination of incentives through administrative reform and the provision of assistance from non-governmental conservation organizations may also encourage landowner participating.

Recognition Programs – Designed to provide public acknowledgement of landowners who maintain and/or restore habitat for wildlife on their property. They are a means of demonstrating public appreciation for landowners efforts to conserve at-risk species and their habitats.

LAND ACQUISITION PROGRAMS – Private land or property rights can be purchased outright, obtained through donation, or swapped for other land of value to the landowner. Land acquisitions can be made at fair market value, at assessed value, or at a reduced rate. Landowners may accrue tax benefits for bargain sales or land donations.

Fee-Simple Acquisition -- outright purchases of land made with funds from grant programs, land trusts, national conservation organizations or state and federal dollars.

OTHER TERMS

Biodiversity -- The variety and variability within and among living populations and the ecosystems within which they occur; includes diversity of genes, species, ecosystems, and landscapes.

Development rights -- The right of property owners to develop their land in accordance with applicable local state, and federal laws; this right may be exchanged for a conservation easement.

Ecosystem -- The living and non-living components of the environment that interact or function together, including native plants, animals, and people as well as the physical environment and the energy systems in which they exist.

Habitat – The natural environment of an organism; habitat contains the elements of a landscape that the plant or animal needs for survival

Land Trust – Land trusts are privately supported, nonprofit land conservation organizations whose purpose is to protect human and natural resources, including productive farmland and forest.

Reserve -- An area that serves as a primary site for the protection, restoration, and maintenance of native landscapes and ecosystems and associated biological diversity.

Riparian – Living or located on the bank of a natural watercourse; a riparian corridor is a corridor adjacent to and/or including the banks of a body of water functioning to protect water resources and environmental integrity.

Statute -- A statute is a formal, written law of a country or state, written and enacted by its legislative authority

Working lands – Land that has been modified by humans to produce food, fiber, or other materials; working lands include lands used for agricultural production, forestry, ranching, and mining; also called *working landscapes*.