

Conservation Incentives

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ENVIRONMENTAL DEFENSE

finding the ways that work

A quarterly newsletter published by the Environmental Defense Center for Conservation Incentives

November 2003



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Environment, income and family all benefit on Vermont organic dairy farm

The Forgues Family Organic Dairy Farm in northern Vermont provides a prime example of how the environment, a dairy's bottom line and a family's way of life can all benefit when cows are switched from a traditional confinement system to feeding on well-managed pasture. This year, the Forgues family has furthered its environmental commitment by participating in the U.S. Natural Resources Conservation Service's (NRCS) Environmental Quality Incentives Program (EQIP).

For 17 years, Henry and Sally Forgues managed their Alburg Springs dairy conventionally, using year-round confinement based on corn silage and alfalfa. And, like many dairy farmers, especially with recent historically low milk prices, the Forgues fell further and further into debt. Losing a key partner, their son Travis, to college, cut even deeper into their profits.

Then, in 1992, the Forgues instituted major changes on their farm. They stopped growing corn, started grazing their cows and joined the Vermont Pasture Management Outreach Program to learn how to maximize production and profit by raising their animals on well-managed pasture. Shifting from confinement to grazing had dramatic

results, significantly boosting their profits and quality of life. In 1995, Travis returned to the farm with his wife Amy, and the two families now farm together.

After a few years of successful managed grazing, the farm produced milk that qualified for organic certification, and the family began shipping it to Organic Valley, a farmer-owned cooperative that markets milk regionally from farmers in 14 states. As members of the cooperative, the Forgues are owners and participate in setting prices. Organic Valley is now meeting its goal of paying members 23 cents per pound of milk. In contrast, milk from conventional dairy farms is selling for slightly less than half that price.

The bottom line? Where the Forgues farm once barely eked out a living for one family, it now supports two families with ease.

The Forgues increased their herd from 40 animals in 1995 to 90 milkers

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Travis Forgues and his wife Amy are organic dairy farmers and spokespersons for sustainable agriculture in northern Vermont.

Proposed regulation changes should aid landowner conservation projects

It's not always easy for a landowner to help rare wildlife. That's what Peninsula Open Space Trust (POST), a California land trust, discovered when it planned to restore native grassland on a large, formerly grazed parcel of land that it owns. A U.S. Fish and Wildlife Service (Service) biologist agreed that conducting prescribed burns on the Cloverdale Coastal Ranch would benefit the federally-threatened California red-legged frog (*Rana aurora draytonii*) and other wildlife in the long term. However, because a few frogs might be killed in the short term, Endangered Species Act regulations required that POST first get approval from the Service. That, the Service suggested, would mean preparing a Habitat Conservation Plan, a lengthy and often costly process more appropriate for a developer destroying habitat than a land trust improving habitat.

Instead, POST recently secured from the Service (with assistance from Environmental Defense), a novel use of an "enhancement of survival" permit to authorize the burns. POST's efforts to obtain this permit brought to light the need to modernize permit regulations so that other landowners can more readily engage in needed habitat management

that helps endangered species in the long run, but risks harming a few individuals in the short run.

On September 10, the Service proposed changes to two sets of regulations that should make it easier for landowners to undertake conservation projects for endangered species.

The first removes several inconsistencies between the Service's 1999 policies governing Safe Harbor Agreements (SHAs) and Candidate Conservation Agreements with Assurances (CCAAs) and the regulations that implement those policies. The second creates a new, relatively simple way for landowners to secure approval of habitat restoration projects, such as POST's grasslands restoration, that may incidentally take endangered wildlife.

More than 200 landowners currently participate in SHAs and a smaller, but growing, number participate in CCAAs. Both types of agreements encourage participation in conservation efforts by providing landowners with

More than 200 landowners currently participate in SHAs and a smaller, but growing, number participate in CCAAs

regulatory assurances regarding the consequences of helping rare species on their land. The process of securing such agreements has been slowed, however, by apparent inconsistencies between the policies and the regulations that implement them. By remov-

ing those inconsistencies, the proposed revisions should facilitate broader use of these promising new conservation tools.

The other proposed changes apply to regulations that authorize permits for activities that "enhance the survival" of listed species. When the Service promulgated its regulations in 1975, it apparently envisioned these permits would be used only for captive breeding programs.

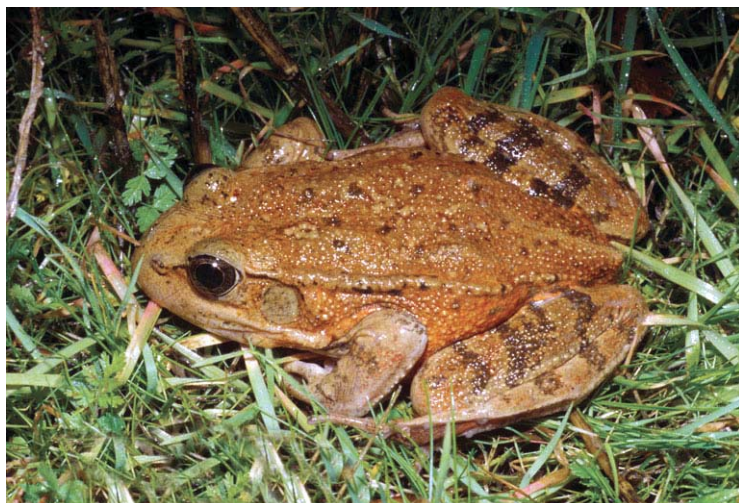
However, over time it has become clear that there is good reason to expand the use of these permits for other situations, in particular management of habitats that must be peri-

odically burned or otherwise disturbed if they are to remain useful habitats for species, such as the California red-legged frogs on POST's land as described above.

Until now, there has not been a straightforward mechanism that allowed landowners to implement the habitat management needed for the long-term benefit of these species. The proposed regulations are posted at <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-22777.pdf>, (Enhancement of Survival) and <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-22776.pdf> (SHA and CCAA). The comment periods closed November 10, and final rules are expected to appear in the Federal Register in the next few months.

—Michael Bean
Co-director

Center for Conservation Incentives



California red-legged frog.

Diverse working group strengthens Oregon's incentives law

New Oregon legislation encouraging landowners to restore wildlife habitat passed both houses with broad support and was signed into law by Governor Ted Kulongoski in August. House Bill 3616 expands and strengthens the state's Wildlife Habitat Conservation and Management Program. By giving farmers and commercial forest owners the same low tax rate on land dedicated to wildlife habitat as on acreage producing timber and agricultural products, the program removes a major disincentive for creating and maintaining wildlife habitat.

The new law is an outgrowth of 2001 legislation that recognized conservation as a legitimate land use and declared a state policy of using incentives to encourage private landowners to manage land for long-term ecological, economic and social values. The 2001 legislation also directed the state's forestry and agriculture departments to make recommendations to the 2003 Oregon legislature for improving existing state incentive programs.

The two state agencies convened the Conservation Incentives Work Group, a broad cross-section of more than 40 stakeholders that included farmers, ranchers and timber producers, as well as representatives of local governments, state natural resource agencies and conservation organizations. With research and drafting support provided by Defenders of Wildlife, the group not only worked through a long list of issues over eight months but also built bridges and mutual understanding between traditionally adversarial interests.

In February 2003, the work group released to the Oregon legislature a comprehensive report that can be accessed at www.biodiversitypartners.org. Work group members also drafted legislative proposals to enact some of the report's key recommendations. The result was House Bill 3616, also available on-line. (Because website redesign is underway, the URLs were not available at press time.)



© Bruce Taylor/Defenders of Wildlife

Oak savannah, as pictured here on Stout Mountain, is one habitat type that Defenders of Wildlife and others hope will be aided by Oregon's new conservation incentives legislation.

In addition to explicitly reaffirming the legislature's view that natural resource conservation on private lands is a desirable and legitimate land use, HB 3616 made important changes to Oregon law to encourage conservation by private landowners.

The new law rewrote the 1993 statutes governing the Wildlife Habitat Conservation and Management Program to improve its administration by state agencies and county assessors. Under that program, landowners who want to provide wildlife habitat on their properties instead of, or in addition to, farming and growing timber, develop a wildlife habitat conservation and management plan. After the Oregon Department of Fish and Wildlife approves the plan, the property is assessed at the relatively low tax rate applicable to commercial forest or farm lands. The landowner may continue commercial resource activities that are compatible with a plan's wildlife objectives.

Changes HB 3616 made to the Wildlife Habitat Conservation and

Management Program include:

- Wildlife habitat special assessment is acknowledged as an independent and valid category for property tax purposes;
 - The lower tax assessment can be applied to lands clearly identified as containing significant wildlife habitat, regardless of land use zoning; and
 - Local governments now have the necessary assurances and flexibility to implement the program statewide.
- HB 3616 also rewrote the statutes that govern Oregon's Stewardship Agreement Program, which was created to reward landowners who exceed land management standards otherwise required by law. The bill's provisions improve the program by creating a framework for the state's agriculture and forestry departments to provide tangible incentives such as expedited permit processing, regulatory certainty and priority consideration for financial incentives or technical assistance.

In addition to the above change adopted in HB 3616, the work group's

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Aldo Leopold's land ethic inspires incentives-based conservation partnership

Incentive-based conservation is hardly a new idea. Pioneering conservationist Aldo Leopold recognized in his 1935 essay "Land Pathology" that "the private owner who today undertakes to conserve beauty on his land does so in defiance of all man-made economic forces from taxes down-or up." For that reason, he argued in another essay, "Conservation Economics," that successful conservation will likely entail "rewarding the landowner who conserves the public interest." This basic tenet of Leopold's conservation philosophy is at the heart of the Sand County Foundation's mission, and is the purpose of its partnership with Environmental Defense, the Leopold Stewardship Fund.

The Madison, Wisconsin-based Sand County Foundation (www.sandcounty.net) is dedicated to promoting Leopold's land ethic among private landowners. One of many ways it has put these ideas into practice is through the Leopold Stewardship Fund, which encourages and facilitates restoring, enhancing and managing habitat for the benefit of imperiled species on privately owned lands. Specifically, the Fund provides financial assistance for the design and implementation of conservation actions, either directly to landowners or indirectly through payments to natural resource consultants working with landowners.

To date, the Leopold Stewardship Fund has helped restore Wisconsin private land habitat for the endangered Karner blue butterfly (*Lycaeides melissa samuelis*); enroll more than 70,000 acres of private forest land in Safe Harbor agreements for the endangered red-cockaded woodpecker (*Picoides borealis*) in North and South Carolina; improve habitat for several rare species in Texas, including the Houston toad (*Bufo houstonensis*), black-capped vireo (*Vireo atricapillus*), northern aplomado falcon (*Falco femoralis septentrionalis*) and ocelot (*Leopardus pardalis*); promote sage grouse (*Centrocercus urophasianus*) conservation in Owyhee County, Idaho; and advance conservation efforts for the southern Idaho ground squirrel (*Spermophilus brunneus brunneus*), a candidate for possible future endangered species designation. In all, the Leopold Stewardship Fund has initiated almost 20 projects since it was founded nearly two years ago.

In their partnership agreement, the two organizations pledged a total of a million dollars - including personnel costs and direct outlays - for conservation projects. Their aim is to demonstrate how private conservation organizations can help catalyze voluntary conservation initiatives to aid imperiled plants and animals. For the Sand County Foundation, the partnership is an initiative of that organization's Bradley Fund for the Environment, which is supported by the Lynde and Harry Bradley Foundation. The Leopold Stewardship Fund seeks out appropriate projects of its own choosing and does not accept unsolicited proposals.

Brent Haglund, president of the Sand County Foundation, offers a simple yet compelling explanation for his organization's singular commitment to putting Aldo Leopold's ideas into practice. Haglund notes that "the fundamental observations that guided Aldo Leopold's pen and actions in the 1930s and 1940s were rooted in some simple truths about government, human nature and individual responsibility." It is part of Aldo Leopold's enduring legacy that the "simple truths" he recognized more than half a century ago continue to inform conservation thinking today and are clearly reflected in the work of the Leopold Stewardship Fund.

-Michael Bean
Co-director
Center for Conservation Incentives



Clockwise from top left: Northern aplomado falcon, Karner blue butterfly, ocelot kitten, and sage grouse.

The preacher and the toad

No need to describe how Bob Long differs from the typical environmentalist do-gooder; he's happy to do that himself. "I'm a gun-toting, redneck, Texas Republican preacher," he told *The Houston Chronicle* in June 2003.

With the encouragement of Leopold Stewardship Fund financial assistance and Safe Harbor regulatory assurances, Bob Long is offering the endangered Houston toad (*Bufo houstonensis*) a home on his ranch. Leopold money is helping him fence off cattle from toad breeding ponds, plant native vegetation and make other improvements. Long has applied to enroll his entire 540-acre Bastrop County property in a Safe Harbor agreement, which will ensure that he does not incur additional Endangered Species Act responsibilities as he continues his normal ranching operations.

Though the proposed agreement still awaits final approval by the U.S. Fish and Wildlife Service, Long has begun enhancing toad habitat. And the toads are already responding - Long has heard the males calling to the females. The stereotype-busting conservationist comments, "I couldn't spell 'environmentalist.' Now I am one."

*-Margaret McMillan
Endangered Species Specialist
Environmental Defense*



Safe Harbor participant Bob Long (right) and Environmental Defense biologist David Wolfe assess potential Houston toad habitat on Long's property.

**"I couldn't spell
'environmentalist.'
Now I am one."**



Male Houston toad calling.

Working group strengthens law

Continued from page 3

report recommended a special property tax assessment for lands subject to conservation easements and a conservation income tax credit that would allow landowners to recoup a percentage of out-of-pocket expenditures or forgone income resulting from conservation activities. These measures did not survive the legislative process.

HB 3616 also describes the legislature's vision of how government can best use the myriad incentive programs administered by federal, state and local governments. To more efficiently and effectively target such programs, a provision in HB 3616 calls for "[t]he development, dissemination, and implementation of a comprehensive statewide conservation strategy to define priorities and address ecological goals while enhancing economic and social conditions."

The timing and clarity of this vision is noteworthy. Governor Kulongoski recently issued an executive order directing state agencies to complete a Statewide Conservation Plan by June 2005 to ensure the sustainability of Oregon's terrestrial and aquatic ecosystems and the economies that rely on them. This broad plan will be integrated with Oregon's Comprehensive Wildlife Conservation Plan as required by the U.S. Department of Interior's State Wildlife Grants program.

For more information about HB 3616 or conservation incentive programs in Oregon, call the West Coast office of Defenders of Wildlife at 503-697-3222.

*-Andrew J. Bowman
Private Lands Conservation Counsel
Defenders of Wildlife*

Family farm gets new start

Continued from page 1

today, all of which live outside year-round on their 200-acre pasture. The cows and young stock graze for seven or eight months and then during the winter months feed on hay that is grown and baled on the farm. Year-round, the animals receive an organic cereal grain supplement. The cows are rotated through ten-acre permanent paddocks, where movable fences subdivide the pasture into smaller areas. The Forgues move the herd to fresh grass twice a day and compost the manure.

As organic milk producers, the Forgues do not use any chemical pesticides or fertilizers and do not give their animals hormones or antibiotics. They manage animal health proactively, using homeopathic remedies and culling animals that do not respond to treatment.

The Forgues comprehensively addressed the remaining resource issues on their farm in their application for EQIP funding and ranked high enough among Vermont applicants to receive funding. In implementing their "whole farm plan" with EQIP cost share funds, the Forgues will make several environmental improvements. Some of them are:

- Diverting pasture surface water away from waste storage facilities;
- Providing clean, cool water to animals

in the pastures and keeping them out of streams;

- Improving the prescribed grazing management system with additional fencing, animal walkways and stream crossings;
- Implementing a pest management plan to improve and protect herd health and forage quality;
- Continuing implementation of sustainable strategies to enhance healthier and productive forage crops, including frost seeding legumes, liming and timing composted and raw materials, reduced tillage and soil biological monitoring;
- Beginning a comprehensive nutrient management plan to further reduce pollutants.

The Forgues feel strongly about their new approach to dairying. Through a cooperative speaker's bureau, Travis and Amy speak on the benefits of grass-based dairy farming and organic milk. Travis convinced two neighboring families to convert to organic dairying and join the Organic Valley cooperative. Three participants guaranteed enough milk for a regular Organic Valley truck run to northern

"Organic can be a lifeline for Vermont's struggling family farms. It can bring our children the future we want them to have"

It can bring our children the future we want them to have."

And the animals speak for themselves. On a visit to the farm in May 2003, this writer had the unusual experience of seeing cows frolic. When Travis moved a section of the dividing fence to allow them into ungrazed pasture, the cows poured through at a run, bucking and jostling each other, full udders swinging back and forth, in what could only have been glee.

More information is available on the following websites:
EQIP: Environmental Defense Farm Bill Conservation Toolkit:
www.privatelandstewardship.org
NRCS in Vermont: www.vt.nrcs.usda.gov
Northeast Organic Dairy Producers Alliance: www.organicmilk.org

Information for this profile was obtained from interviews with Travis Forgues and Tyler Webb of the Vermont NRCS, as well as
www.sare.org/bulletin/explore/forgues.htm
and
www.organicvalley.com/who/inthenews-detail.php?id=134.

*-Suzy Friedman
Scientist and Agricultural Policy Analyst
Environmental Defense*



On their organic dairy farm, the Forgues rotate cows to fresh pasture twice a day.

Vermont. Today, 22 members are on a waitlist, largely due to Travis' visits and calls to farmers throughout the state.

In January 2003 testimony, Travis told the Vermont House and Senate agriculture committees that, "Organic can be a lifeline for Vermont's struggling family farms.

RELATED RESOURCES

***A National Survey of Conservation Reserve (CRP) Participants on Environmental Effects, Wildlife Issues, and Vegetation Management on Program Lands.* 2003. Arthur W. Allen & Mark W. Vandever. 60 pp. U.S. Geological Survey, Department of the Interior. Biological Sciences Report USGS/BRD/BSR-2003-0001.** A national survey of more than 2,000 participants in USDA's largest environmental program reports on who enrolls in the program and gives their views of program benefits. Beyond erosion control, CRP landowners report increases in wildlife populations, more scenic landscapes, social benefits, and other positive effects.
www.fort.usgs.gov/products/publications/21075/21075-A.pdf or purchase by calling 1-800-553-6847.

***The Private Lands Opportunity: The Case for Conservation Incentives.* 2003. Michael Bean, Robert Bonnie, Tim Male & Tim Searchinger. The Center for Conservation Incentives. 16 pp.** This illustrated report affirms the critical role of private lands in meeting the nation's conservation goals and describes several incentive-based approaches that encourage conservation by landowners on working lands. Available from Environmental Defense online at www.environmentaldefense.org/documents/2677_ccire-port.pdf or by calling 1-800-684-3322.

"Research should help restorationists obtain liability insurance for prescribed burning." *Ecological Restoration*, September 2003, p. 163. Prescribed burn insurance has become more expensive nationwide and even unavailable in some cases, thwarting landowners who wish to conduct burns that would benefit wildlife. The article reports that the USDA Risk Management Agency and the Iowa Department of Natural Resources are forming a partnership to research and develop an insurance plan to help contractors who conduct prescribed burns on private lands.

"Pollution solution." *Texas Parks and Wildlife*, September 2003, p. 11. Following a successful pilot project, the Texas Parks and Wildlife Department has formed an unusual partnership with the Tarrant Regional Water District. By creating pollution-filtering wetlands to remove sediments and unwanted nutrients, the agencies hope to ensure a relatively cheap new water supply for rapidly growing cities southeast of Dallas while also providing wildlife habitat.

***Capturing Carbon and Conserving Biodiversity: The Market Approach.* 2002. Ian R. Swingland, ed. Earthscan Publications, London & Sterling, VA. 392 pp.** Scientists, economists, lawyers and policy specialists analyze the potential for market-based approaches to counter global warming. In 20 chapters, the authors discuss how well-designed projects can create a carbon market that will limit climate change and benefit both people and wildlife in developing countries.
www.earthscan.co.uk/asp/bookdetails.asp?key=3944

***Running Pure: The Importance of Forest Protected Areas to Drinking Water.* August 2003. Nigel Dudley & Sue Stolton. 112 pp.** A research report for the World Bank and the World Wildlife Fund Alliance for Conservation and Sustainable Use. After studying the water treatment needs of 105 cities in developed and developing countries worldwide, the authors conclude that well-managed natural forests are a source of high quality water. Though many cities rely on drinking water from protected areas, the watershed benefits of these areas are often unrecognized.
www.panda.org/downloads/freshwater/runningpurereport.pdf

Watershed initiative: Call for nominations." *Federal Register*, October 9, 2003, 68(196):58333-58341. The Environmental Protection Agency has announced competitive grants for watershed protection and restoration. Up to 20 watersheds across the country will receive a total of up to \$21 million. The agency encourages submissions focusing on market-based incentive approaches. Though watersheds must be nominated by governors or tribal leaders, potential recipients include non-profit private or public agencies, institutions, organizations and individuals, as well as state and tribal pollution control agencies. The deadline for applications is January 15, 2004. More information is available from Carol Peterson, U.S. EPA, 202-566-1304 or by email to initiative.watershed@epa.gov.
<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-25401.pdf>

Email updates and web postings on timely agricultural conservation issues. To see Environmental Defense postings of current agricultural conservation policy news, go to www.privatelandstewardship.org and click on "Get the latest updates." Agricultural conservation activists can also receive regular email updates by sending an email to sfriedman@environmentaldefense.org.

Two new Safe Harbor Agreements offer help for rare frogs

Robert Mondavi enrolls winery in Safe Harbor for the California red-legged frog

In September, the Robert Mondavi company signed a Safe Harbor Agreement to benefit the federally-threatened California red-legged frog (*Rana aurora draytonii*) and two endangered songbirds. Under the agreement, the winery will implement a riparian (stream) restoration project at its Cuesta Ridge Vineyard in San Luis Obispo County, California.

The amphibian, our largest native western frog, is believed to have inspired Mark Twain's story, "The Celebrated Jumping Frog of Calaveras County." Since Twain's time, the frog has lost 70% of its habitat to development and other land use activities and is further imperiled by competition with larger, non-native bullfrogs.

The Mondavi riparian restoration project may also aid the least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax trailii extimus*), both of which have declined primarily because of habitat loss.

As with all Safe Harbor agreements, this agreement provides the landowner with regulatory assurances. If endangered species are attracted to the Mondavi property because of beneficial land management, their presence will not restrict vineyard operations. This Safe Harbor agree-

ment is the first for a winery, and the third agreement signed in California. Conservationists hope to see other wineries and agricultural producers enter Safe Harbor agreements to benefit wildlife.

The full text of the Robert Mondavi Safe Harbor Agreement is posted at www.environmentaldefense.org/pdf.cfm?ContentID=3340&FileName=MondaviFull%2Epdf.

Malpai Borderlands Group offers a Safe Harbor to the Chiricahua leopard frog

In October, the Malpai Borderlands Group applied for a Safe Harbor Agreement to benefit the federally-threatened Chiricahua leopard frog (*Rana chiricahuensis*) at selected sites on a 1 million-acre landscape in Arizona and New Mexico.

The Malpai group, which derives its name from the Spanish word for badlands, was formally organized in 1994, following a series of informal conversations among neighboring ranchers. The ranchers have since engaged in innovative conservation work, pioneering the practice of "grass-banking" as a way to ensure adequate grazing for cattle while protecting grasslands and setting aside nearly 42,000 acres of land in conservation easements.

The Chiricahua leopard frog inhabits mid-elevation wetland communities, including not only lakes, reservoirs, streams



Chiricahua leopard frog.

and rivers, but also livestock tanks. Habitat alteration, water diversion, drought, disease and predation from non-native animals have greatly reduced the frog's numbers. Many historical occurrences have disappeared, and remaining populations are often small and widely scattered.

In their Safe Harbor agreement, the Malpai group proposes to establish new frog populations by maintaining livestock tanks and other artificial waters. Some of the other possible management actions specified in the agreement include enhancing frog travel corridors, restoring native vegetation and controlling non-native predators.

Text of the Malpai Borderlands Group draft Safe Harbor agreement is posted at www.environmentaldefense.org/article.cfm?ContentID=3067.



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finding the ways that work

The Environmental Defense Center for Conservation Incentives

The Environmental Defense Center for Conservation Incentives was launched in 2003 with major support from the Doris Duke Charitable Foundation to further the conservation of biodiversity on U.S. private lands through the use of incentives. The Center works with landowners, conservation organizations, and government agencies to develop place-based projects that demonstrate the utility of incentives in conserving habitats on private lands. The Center also works to influence the development and implementation of national and state incentive programs and policies. Headquartered in the Washington, DC office of Environmental Defense, the Center also has staff in all of the regional offices. We thank the Doris Duke Charitable Foundation and Robert Wilson for their generosity in funding this work.

www.environmentaldefense.org/go/conservationincentives

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Conservation Incentives is published in February, May, August, and November, and is distributed electronically, with print copies available upon request. Articles may be reproduced if credit is given and a copy is mailed to the address below.

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