

ORDINANCE NO. 316

Madison County Zoning Ordinance No. 176 Chapter 19, Agriculture/Recreation Zone

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19.1 Purpose

The Agriculture/Recreation zone (A/R) zone is established to provide for areas in Madison County in which agricultural pursuits can continue, while also allowing for recreational, vacation, and second-home developments and activities. The A/R zone is designed and intended to protect both agricultural and recreational users from encroachment of urban development. Other uses in addition to agricultural and recreational uses may be permitted in the A/R zone, but shall be accessory uses incidental to agricultural and recreational uses, and should not change the basic agricultural/recreational character of the zone.

- A. The purposes of the A/R zone are to:
1. Conserve and protect farms and ranches;
 2. Allow for orderly growth in appropriate locations and at appropriate intensities in rural areas;
 3. Prevent agricultural/recreational land use conflicts.
 4. Provide for well-planned and managed recreational, vacation and second-home uses;
 5. Protect natural habitat, floodplains, viewsheds, wildlife migration corridors, wetlands, and other sensitive lands;
 6. Preserve and protect open spaces;
 7. Promote healthy forestry, farming, and grazing and protect natural resources;
 8. Protect agricultural/recreational users from encroachment of urban development;
 9. Limit motorized paths and high density trails in accordance with BLM and USFS regulations;

10. Preserve access to public lands and waters.
 11. Preserve opportunities for passive recreational activities such as hiking, bird-watching, fishing, and hunting.
- B. Land in the A/R zone is subject to the provisions of the Right to Farm (§ 22-4501) and Nuisance Protection (§ 52-101 *et seq.*) laws of the Idaho Code. Land in this zone may be partitioned and sold for agricultural purposes without being subject to the subdivision review and approval requirements of County ordinances, and land uses in this zone shall not deprive owners of any privileges of production. Subdivision of land in this zone for the purpose of changing the land use from agriculture to another use shall be subject to the requirements of this and all other applicable County ordinances.
- C. All public or governmental lands within Madison County may be included within the Madison County A/R zone, but will continue to be managed by the respective agencies with all rules, regulations, and policies administered by those agencies.

19.2 Application

This zone applies to lands currently zoned for agriculture, which have been out of agricultural production for one year and are not receiving funding from Federal Farm Bill's Conservation Reserve Program.

19.3 Permitted Uses

The following buildings, structures, and uses of land shall be permitted in the A/R zone district, upon compliance with the requirements set forth in the Madison County A/R zoning ordinance (Ordinance #176).

- A. Conservation areas for water, water supply, plants, and wildlife.
- B. Agriculture, including but not limited to raising livestock and other animals (excluding commercial animal feeding operations [CAFOs]), row crops, grains, and fruits.
- C. Accessory buildings and structures, including single family dwellings, incidental to the use of the land for agricultural/recreational purposes. All accessory buildings or structures with a footprint larger than 200 square feet or taller than ten feet in height are subject to the standards of sections 19.6 and 19.7 of this ordinance.
- D. Single family recreational residential developments, subject to limited services and meeting specific design criteria outlined in section 19.6.
- E. Lodge, spa or business retreat, or recreational lodging structure, subject to limited services and specific design criteria outlined in section 19.7.
- F. Wildlife refuges.
- G. Picnic areas, day camps, overnight camps, recreation and non-commercial open-air recreation use, including public golf courses, public parks (not

- amusement parks), boating, fishing, hunting (where legally permitted), boat launching areas/docks, fishing access points, and trailheads.
- H. Tourist camps and overnight camps where structures are used for shelter.
- I. Forest uses and practices.
- J. Aquaculture.
- K. Churches.

19.4 Conditional Uses

The following buildings, structures, and uses of land may be allowed, subject to review by the Planning and Zoning Commission for compliance with all applicable provisions of this title and the Madison County conditional use permit review and approval process of Ordinance No. 176, and if the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops, raising livestock, or recreational resources.

- A. Country clubs or recreational facilities.
- B. Riding and hiking clubs with privately-owned trails.
- C. Private parks, playgrounds and athletic fields.
- D. Commercial stables.
- E. Accessory retail commercial, scaled and designed on the development site to provide services and products primarily for the use and benefit of the residents of the recreational residential development.
- F. Private or commercial riding arenas.
- G. Public utility substations, cell towers, or wind turbines.
- H. Formal all terrain vehicle, snowmobile, or other off-road vehicle (OHV) trails or roads.
 1. Formal trails and roads may be developed as approved by the County Planning and Zoning Administrator and Commission.
 2. OHV driving only allowed on formally established trails. Development of user-created trails is prohibited.
- I. Game Ranches.
- J. Private golf courses.

19.5 Uses Not Permitted

The following uses are not permitted within the A/R zone. In addition to those used identified below, any uses not specifically listed as permitted or conditional shall be considered as not permitted.

- A. Farms operated publicly and privately for the disposal of garbage, sewage, or rubbish.
- B. Commercial stockpiling or processing of manure.
- C. Storage or disposal of hazardous wastes.
- D. Draining, excavation or dredging, or removal or relocation of loam, peat, sand, gravel, soil, or other mineral substance except accessory to permitted work permitted.

- E. Storage or disposal of any soil, loam, peat, sand, gravel, rock or other mineral substance, refuse, trash, rubbish, debris or dredged soil.
- F. Commercial storage or disposal of materials used for snow and ice control including treated sand, salt and other deicing chemicals.
- G. Salvage yards, including automobiles and farm equipment.
- H. Commercial animal feeding operations.

19.6 **General Standards**

- A. **Subdivision of land.** Upon the fourth division of any parcel of land within the A/R zone district, all land within the parcel, including parcels previously divided from the original, shall be platted pursuant to the provisions of the Madison County Subdivision Regulations. All subdivisions containing eight (8) or more lots, including parcels previously divided from the original and the residual parcel, shall adhere to the standards of the Large Scale Development section of the Madison County Subdivision Ordinance (Ordinance No. 175).
- B. **Preservation of Natural Features.** For all development projects in the A/R Zone, the developer shall leave construction areas as pristine and natural as possible, and shall restore and replant with native vegetation any area disturbed by construction activities. Where practicable, the following specific areas shall be left undeveloped and undisturbed:
 - a. Unique or fragile areas such as geologic features or wetlands
 - b. Areas of natural vegetation, including unique landscapes, large individual trees, stands of trees.
 - c. Areas of significant value to wildlife
 - d. Historically significant structures or sites
 - e. Natural drainages or watercourses.
- C. **Hillside Standards.** Hillsides and ridgelines shall be protected and left undeveloped as much as is practicable. No structure may be constructed on slopes greater than a 30% grade. The highest feature of all structures shall be located a minimum of 20 feet below the nearest identifiable crest, or set back 100 feet, unless the Commission determines that an alternative location with less than the 20 foot minimum on the parcel would be less visible and better comply with these standards.
 - 1. Development shall not:
 - a. Result in an adverse visual impact,
 - b. Stand in contrast to the surrounding landscape patterns and features, or
 - c. Serve as a visual focal point.
 - 2. Determination of Visual Impacts. Development shall not result in an adverse visual impact. In determining whether a specific development would result in an adverse visual impact, the Commission shall consider the following:
 - a. Degree to which view of development from roads is screened by existing vegetation, topography, and existing structures at all times of day or night.
 - b. Contributing and detracting background features in the view of the proposed development.

c. Distance to development from a vantage point.

D. Landscaping.

1. Landscaping. Manicured landscaping shall not exceed 0.5 acre per lot for commercial and residential property, including buildings and other structures. Drought-resistant and native species are the strongly preferred choice.
2. Agricultural Landscaping. Agricultural irrigation may occur on tracts larger than 0.5 acre, provided that the property owner owns or has a right to use water under a valid irrigation water right, or shares in an irrigation company of sufficient quantity to irrigate the planned irrigated area.
3. Site Disturbance and Revegetation. The removal of trees during construction shall be minimized as much as is practicable. Revegetation with native species shall be provided for all areas disturbed through construction. Top soil shall be salvaged and protected from erosion during construction, and used for revegetation of disturbed areas.

E. Public Lands Buffer. Each building site bordering state or federal lands shall maintain a 300 foot set-back buffer zone which shall remain undeveloped.

F. Permitted Fences and Walls. Visibility shall be maintained in fencing to preserve views and rural character, and fencing within areas of wild land/urban interface can have detrimental impacts on wildlife. Therefore, all fencing in the A/R zone shall adhere to the following standards and restrictions:

1. General. Both internal and perimeter fencing on sites containing wildlife habitat shall be kept to a minimum necessary to contain livestock and domestic animals and to provide privacy. No fencing is the strongly preferred option.
2. Perimeter fences. Perimeter fencing of lots is prohibited, except if necessary for containment of livestock. Such fencing shall be constructed according the standards below.
3. Interior fences. Interior fences may be constructed within the building envelope, as outlined in section 19.6, of each lot to control domestic pets and animals according to the standards below. Interior fencing shall be restricted to the smallest area practicable within the building envelope.
4. Wire fencing. Wire fencing for containment of livestock in or adjacent to critical wildlife habitat areas such as migration corridors shall have four (4) strands or less. The top wire should be a 12.5 gauge twisted barbless or similar type at a maximum height of 42 inches. The middle strands, which may be barbed, should be located a minimum of 12 inches below the top wire to prevent entanglement when animals jump over the fence. The bottom strand should be barbless and a minimum of 16 inches from the ground.
5. Rail fencing. Rail fencing shall have three rails or less and shall not exceed 42 inches in height above ground level, 12 inches in width (top view), and the lower rail shall be a minimum of 16 inches from the ground. Solid wood fencing shall generally be limited to areas within the building envelope.
6. Solid or privacy fencing and walls. Solid fences or walls are limited to five (5) feet in height and restricted to the identified building envelope.

G. Roads and Trails.

1. Responsibility for upkeep, maintenance, and plowing of all privately-owned roads. Landowners are responsible for maintaining or keeping privately-owned access roads open during winter months. Madison County is not required to plow roads not previously maintained by the County. Madison County is not responsible for emergency response to areas in the winter months where privately-owned access roads are not maintained/plowed.
2. Connections and Access. Cul-de-sacs and inward-facing development designs are discouraged. New roads and trails shall demonstrate their ability to clearly connect to adjacent development, and to existing and planned road networks as identified in the Madison County Comprehensive Plan.

H. Sewage and Utilities.

1. Sewer. All structures within 500 feet of an existing sewer line shall connect to the sewer. If any portion of a development or subdivision falls within 500 feet of an existing sewer line, the entire development shall connect to the sewer system. All sewage disposal systems shall meet all Eastern Idaho Public Health Department Standards. Additional requirements may be made by the Planning and Zoning Commission if deemed necessary to protect the health, safety, and welfare of the public. Homes without plumbing shall have a sewage containment and disposal system approved by the Eastern Idaho Public Health Department.
 2. Solid Waste Disposal. Madison County will not be responsible for garbage collection. Open burning of trash shall be cleared by the Madison County Fire Department. Burn barrels are not allowed for the disposal of household trash.
 3. Utilities. All structures within 500 feet of existing water or sewer lines shall connect to these services. All electrical, heating, and water systems shall meet County Building Code standards. The burning of coal is prohibited. All plumbing shall be inspected and cleared by the State of Idaho. All small water systems shall be inspected and cleared by the Eastern Idaho Public Health Department. A small water system is defined by the Department of Environmental Quality and Environmental Protection Agency as: any water system that has more than 15 connections, or services more than an average of 25 people per day for at least 60 days of the year. A permit is required for the drilling of private wells. Habitable buildings larger than 750 sq. feet in size shall have plumbed water. Internal fire suppression systems are recommended for all homes, because of the distance from emergency response services and the risk of forest or wild land fire.
- I. **Drainage.** Suitable drainage systems for surface runoff from within or upstream of building lots, including a sediment settling system, shall be part of each site plan. Existing natural drainage channels shall be used whenever possible, and the site plan shall minimize soil erosion. No impervious surfaces may be used outside of the building envelope. Development within natural drainage channels is prohibited.
- J. **Exterior Lighting.** Exterior lighting shall meet the following standards:

1. Total cut-off luminaries and fixtures. Luminaries and other light fixtures shall have a total cut-off of light at an angle less than 90 degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from direct view from a vantage point five (5) feet above the ground at the perimeter of the lighted area. The light furthermore shall be contained entirely on-site. The maximum permitted mounting height of the luminary or fixture are as follows:

Table. 19.1		
Maximum Luminary Illumination and Height		
Use	Max. Permitted Illumination (in Footcandles)	Max. Permitted Height
All residential uses	1.0	15'
All non-residential uses	1.5	18'

The standards of this section are not meant to prohibit the use of decorative antique, or "period" light fixtures, ground lighting, or bollard lighting, provided that the light source is diffused by a frosted lens or globe, or is otherwise filtered, shielded, or screened.

2. Exempt uses. Because ball diamonds, playing fields, outdoor rinks, ski areas, tennis courts, and some commercial developments such as gas stations have unique requirements for nighttime visibility and may have limited hours of operation, they shall be exempt from the exterior lighting standards of Section 19.5.K.a, Total Cut-Off Luminaries and Fixtures, if the following standards are met:
 - a. *Complies with requirements.* The proposed development meets all other requirements of these Land Development Regulations and the applicable standards as contained in the current edition of Illuminating Engineering Society of North America Lighting Handbook, as determined by the Planning and Zoning Administrator.
 - b. *Maximum Height.* Exterior light sources shall not exceed a maximum post height of forty (40) feet, unless an alternative height is approved via issuance of a Conditional Use Permit pursuant to Madison County Ordinance No. 176.
3. Luminary shielded. If the luminary is shielded in either its orientation or by landscaping to prevent light and glare spill-over to adjacent residential property, then the luminary may exceed a total cut-off angle of ninety (90) degrees. The maximum permitted illumination at the nearest interior setback line for a principal residential structure shall not exceed one and one half (1.50) footcandles.
4. Prohibited lights. Notwithstanding any other provision of this section, the following lighting is prohibited for all uses in the zone:
 - a. *Flickering or flashing lights.* No flickering or flashing lights shall be permitted.
 - b. *Searchlights.* No searchlights, laser lights, or holograms are permitted.
 - c. *Strings of Light.* Strings or strands of lights used to highlight a sign, perimeter of a sign, or any portion of a building are not permitted,

except for Christmas-type decorative lighting displayed between October 15 and February 15.

19.7 Residential Standards

A. Site Development Standards

1. Lot Area/minimum parcel size. All single family dwelling unit developments shall maintain an average overall density of one unit per 16 acres, with a minimum lot size of five (5) acres. The clustering of individual lots is encouraged, but subject to design review.
2. Lot Siting and Dimensions.
 - a. *Siting.* Each lot shall contain a satisfactory building site which is properly related to the topography. Each building site shall be situated as to not intrude on the views of others as far as is practicable.
 - b. *Dimensions.* Each building site shall identify a 1.0 acre building envelope within which all development will take place. Individual wells and sewer systems may fall outside of the 1.0 acre building envelope, subject to approval by the Planning and Zoning Administrator and Commission.
3. Setbacks.
 - a. *Front Setback.* All buildings and structures shall be set back at least 50 feet from the road right-of-way line.
 - b. *Side Setback.* Minimum side setbacks shall be ten (10) feet from property line. The minimum setback from accessory buildings and structures shall be the same as for main buildings, except that all accessory buildings and structures shall be located either flush with, or behind, the front face of the dwelling. On corner lots, the side setback from the street for any building shall not be less than 50 feet. Accessory buildings on corner lots shall be set back from the side property lines a distance of not less than ten (10) feet.
 - c. *Rear Setback.* For interior lots, all buildings and structures shall be set back from the rear property line a distance of at least 50 feet. Accessory buildings shall be set back at least 25 feet from the rear property line.

B. Building Design Standards

1. Bulk and Mass. Maximum building footprint is 5,000 feet for all main buildings, and 2,500 for all accessory buildings.
2. Building Height. Maximum building height is 30 feet as measured from the highest elevation of the building, including chimneys, to the highest adjacent grade surface. Buildings shall be designed in such a way as to protect views, and minimize encroachment into the views of other buildings and building sites, as much as is practicable.
3. Architectural Character.
 - a. *Building materials.* Preferred exterior building materials are those that are natural such as wood, stone, concrete, and brick. All structures

shall be constructed of fire resistant materials. Class B roof assembly or fire treated wood (2003 IBC 1505, or current adopted version), is required.

- b. *Colors.* Preferred exterior building colors include earth toned colors with brighter colored accents if desired.
- c. *Styles.* Preferred architectural styles include rustic, western, and alpine looking architecture. This may include the use of large wood timbers or logs.

19.8 Commercial Standards

A. Site Development Standards

1. Building Siting. Each commercial development shall contain a satisfactory building site which is properly related to the topography. Each building site shall be situated as to not intrude on the views of others as far as is practicable.
2. Setbacks. All commercial structures shall be set back from public rights-of-way and property lines as follows:
 - a. *Front Setback.* All buildings and structures shall be set back at least 60 feet from the road right-of-way line.
 - b. *Side Setback.* Minimum side setbacks shall be ten (10) feet from property line. The minimum setback from accessory buildings and structures shall be the same as for main buildings, except that all accessory buildings and structures shall be located either flush with, or behind, the front face of the dwelling. On corner lots, the side setback from the street for any building shall not be less than 50 feet. Accessory buildings on corner lots shall be set back from the side property lines a distance of not less than ten (10) feet.
 - c. *Rear Setback.* For interior lots, all buildings and structures shall be set back from the rear property line a distance of at least 50 feet. Accessory buildings shall be set back at least 25 feet from the rear property line.
3. Off-street Parking. No more than one row of parking is allowed in front of a building. Any additional parking should be located on the sides or back of the building. In any parking area that includes more than 30 spaces, ten percent (10%) of all parking area, not including row separations, shall be used for internal landscaping. A landscape border that is not less than 15 feet wide shall be provided around the perimeter of all parking areas, unless the area abuts slopes created by adjoining roadways/freeways, future highways or adjoining parking from adjacent parcel. There should also be an eight (8) foot wide parallel walkway/landscape separation between each row of parking. Landscaped areas shall be designed to accommodate snow piles without damage to plants and trees. All landscape areas shall be landscaped with a combination of trees, shrubs and ground covers.

B. Building Design Standards

1. Bulk and Mass. Maximum building footprint is 10,000 feet for all main buildings, and 5,000 for all accessory buildings. Specialty structures with requirements for building footprint sizes larger than the maximum building footprint may be accommodated through a conditional use permit.
2. Building Height. Maximum buildings height is 40 feet as measured from the highest elevation of the building, including chimneys, to the highest adjacent grade surface. Buildings shall be designed in such a way as to protect views, and minimize encroachment into the views of other buildings and building sites, as much as is practicable.
3. Architectural Character.
 - a. *Building materials.* Preferred exterior building materials are those that are natural such as wood, stone, concrete, and brick. All structures shall be constructed of fire resistant materials. Class B roof assembly or fire treated wood (2003 IBC 1505, or current adopted version), is required.
 - b. *Colors.* Preferred exterior building colors include earth toned colors with brighter colored accents if desired.
 - c. *Styles.* Preferred architectural styles include rustic, western, and alpine lodge looking architecture. This may include the use of large wood timbers or logs, and stone.
 - d. *Fenestration.* Buildings shall have a minimum 70:30 ratio of solid to void on front and side facades. Reflective glass is prohibited.
4. Building Orientation. Buildings should be oriented towards public streets and right-of-ways, and have at least one public entrance at the front of the building.

19.9 Open Space

A. **Minimum Open Space**

1. Developments smaller than eight (8) units. A minimum of 50% of each lot or total project area shall be preserved as open space.
2. Developments eight (8) units or larger in size. A minimum of 50% of the total project area shall be preserved as open space. Of this required open space, 25% shall be comprised of community open space, and 40% shall be comprised of natural open space.
3. Community Amenities. All subdivisions and development shall provide for the reasonable accommodation of any community amenities or recreational features identified in the Madison County Comprehensive Plan, and shall ensure open access to public lands and waters.

B. **Uses Allowed in Open Space.** The following land uses will be allowed in qualifying Community Open Space and Natural Open Space areas.

1. Community Open Space. Uses allowed in Community Open Space include parks, playing fields, playgrounds, trails and trailheads, off-street bicycle paths, swimming pools, golf courses, and other similar outdoor

recreational facilities that are made available for use by residents of the PUD and/or the general public. Water detention basins may make up to 50% of the required Community Open Space, as long as they are open for recreational activities. Park strips, set-backs, entry monuments, sales offices, boulevard dividers and other similar features do not count toward the required open space.

2. Natural Open Space. Natural Open Space is undeveloped open space, relatively free of grading and structures. Uses allowed in Natural Open Space include non-motorized trails and trailheads, wildlife viewing, and other similar passive recreational activities. In agricultural areas, Natural Open Space may also include actively operated farmlands such as fields, row crops, and pastures. Underground utilities are also allowable in Natural Open Space if all disturbed areas are re-vegetated. Natural Open Space need not be open to public access to qualify, unless a portion of the open space is dedicated to public uses such as trail access. Small, disconnected parcels of property may not be counted as Natural Open Space. To qualify as Natural Open Space, lands shall be contiguous and of sufficient size to provide effective wildlife habitat, open views, or working agriculture. Natural Open Space shall be protected by covenants, transfer of development rights, conservation easements or other mechanisms to ensure that the lands remain open and un-developed in perpetuity.

19.10 Wildfire Protection

The homeowner is responsible for all fire prevention and safety. In remote areas, fire department equipment may take considerable time to respond to a fire. Specific fire protection measures and requirements include:

- A. **Access.** Provide a roadway for access of large fire trucks and a turnaround area with a 50-foot radius, or a hammerhead drive, for firefighting equipment. Provide a defensible space, at least 30 ft wide around structures to allow firefighters to work between structures and a wildfire.
- B. **Firewood Storage.** Firewood storage shall be at least 30 feet from any structure, or be covered with a fireproof material.
- C. **Propane Tanks.** Propane tanks shall be located at least 30 feet from structures. Tanks may be either buried underground, or located above ground with a ten (10) foot wide cleared and maintained area around the location of the tank.
- D. **Building Materials.** Buildings shall be constructed with fire resistant materials. All roofed structures shall have Class B roof assembly or fire treated wood (2003 IBC 1505, or current adopted version).
- E. **Open Burning.** Open burning is by permit and shall be cleared by the Madison County Fire Department, following all restrictions and recommendations.
- F. **Burn Barrels.** Burn barrels are not allowed for the burning of household trash.
- G. **Landscaping.** Minimize the amount of wild land vegetation around structures. This includes removal of all dead wood, dry grass and other

flammable material. Either an irrigated, green landscape shall be maintained around buildings and other flammable structures, or where landscaped with native species, brush and wild plants shall be cleared away from structures as outlined above.

19.11 Public Access

Any development within the A/R zone shall maintain public access to state and federal lands, and other specific publicly-owned areas having unique historical, geologic, recreational, cultural, or scenic value. Public access to road right-of-ways, and planned roads as identified in the Madison County Comprehensive Plan shall be maintained.

19.12 Compliance with other laws and regulations

In addition to the regulations established by these regulations, other laws and regulations may regulate activity in the AR zone district. These include:

A. County Regulations.

1. The Madison County Code of the West.

B. State Regulations.

1. State of Idaho Right to Farm law, Idaho Code § 22-4501 *et seq.* (1995).
2. Agricultural Nuisance Protections, Idaho Code § 52-101 *et seq.* (1994).
3. State of Idaho Water Quality Act, Idaho Code § 39-3601 *et seq.* (Supp. 1996).

C. Federal Regulations and Plans.

1. USFS Targhee National Forest Management Plan,
www.fs.fed.us/r4/caribou-targhee/projects/targheeplan.pdf
2. Bureau of Land Management, Upper Snake Field Office, Medicine Lodge Resource Management Plan,
http://www.blm.gov/id/st/en/fo/upper_snake/programs/Planning/medicine_lodge_resource.html.
3. Other environmental laws and regulations including, but not limited to:
 - a. Clean Water Act, 33 U.S.C. § 1251 *et seq.* (1994).
 - b. Clean Air Act, 42 U.S.C. § 7401 *et seq.* (1994).
 - c. Safe Drinking Water Act, 42 U.S.C. § 300g-1 *et seq.* (1996).
 - d. Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (1994).
 - e. Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.* (1994).
 - f. Endangered Species Act, 16 U.S.C. § 1531 *et seq.* (1994).