



Northeastern Transportation and Wildlife Conference
***Mitigation and the Role of Land Trusts: Conservation Partners for
Transportation and Infrastructure Developers***



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conservationfund.org

Topics Covered

- Who is The Conservation Fund?
- What are land trusts?
- Mitigation and Land Trusts
- Example Projects
 - Joe – In-Lieu Fee



Our Mission

At The Conservation Fund, we make conservation work for America. By creating solutions that make environmental and economic sense, we are redefining conservation to demonstrate its essential role in our future prosperity. Top-ranked for efficiency and effectiveness, we have worked in all 50 states to protect more than 7.7 million acres of land since 1985.



Why are Land Trusts Involved in Mitigation?



- Infrastructure development/expansion underway throughout the U.S.
- Regulations & emerging policies require mitigation for unavoidable impacts
- The Conservation Fund recognizes the need to balance economic development with sound environmental practices
- Partner with project developers and agencies to implement mitigation plans for unavoidable impacts
- There is a profound shortage of capital for conservation acquisition and restoration

Land Trusts – Conserving Special Places

**Wildlife
Habitat**



**Rivers &
Watersheds**



**Working
Landscapes**



**Historic
Places**



**Parks &
Green
Space**



**Large,
national
projects**



Mitigation Assistance



Regulations

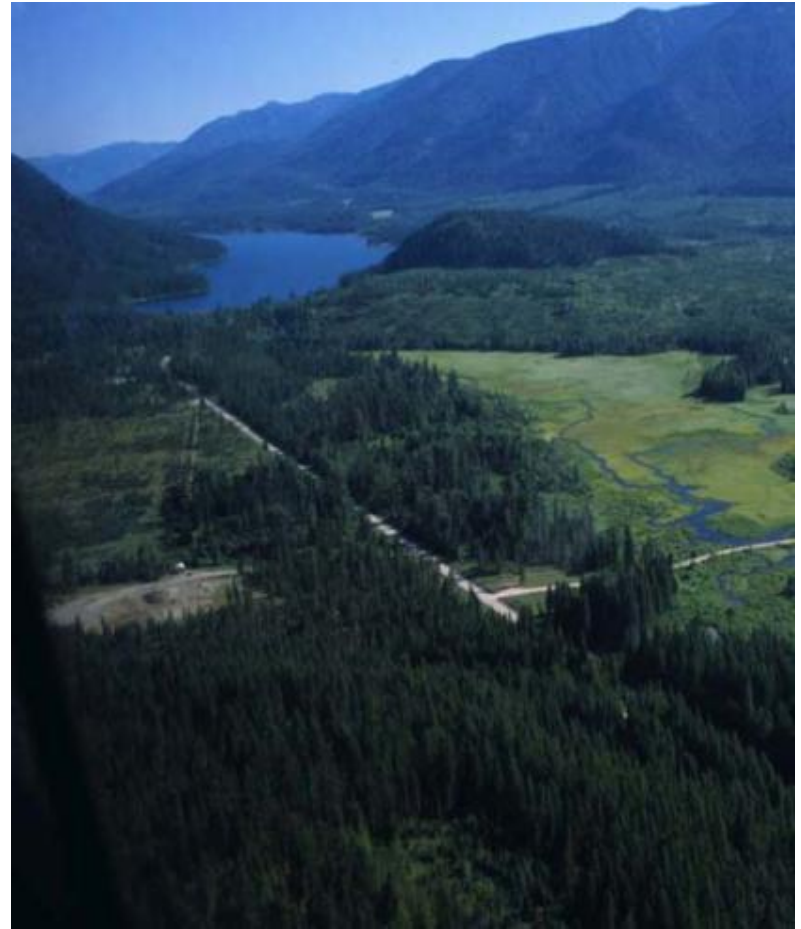
- Endangered Species Act
- Migratory Bird Treaty Act
- Clean Water Act

Public Lands Crossings

- Wildlife Management Areas
- National Parks
- State/National Forests

Types of Mitigation and Examples

- Conservation/Wetland Banking
- Permittee-responsible
 - Third-party provided/implemented
- In-lieu Fee



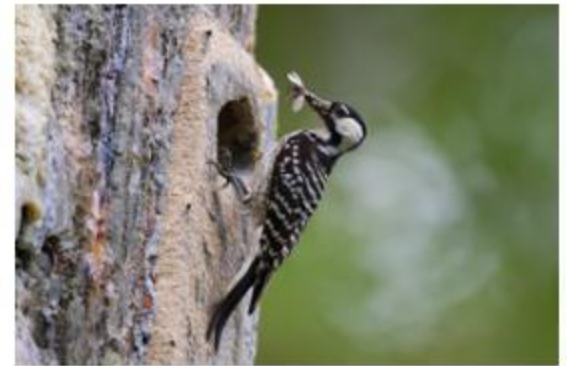
Conservation Banking

Example: Palmetto-Peartree Preserve

- Project Proponent: North Carolina Department of Transportation
- Bank provider: The Conservation Fund
- Target Species: Red-cockaded Woodpecker
- Developed to:
 - Offset impacts to RCW habitat from road construction
 - Protect known RCW population
 - Enhance habitat to increase population
 - Implement natural-resource based economic & community development



Boardwalk at the preserve. Photo by The Conservation Fund

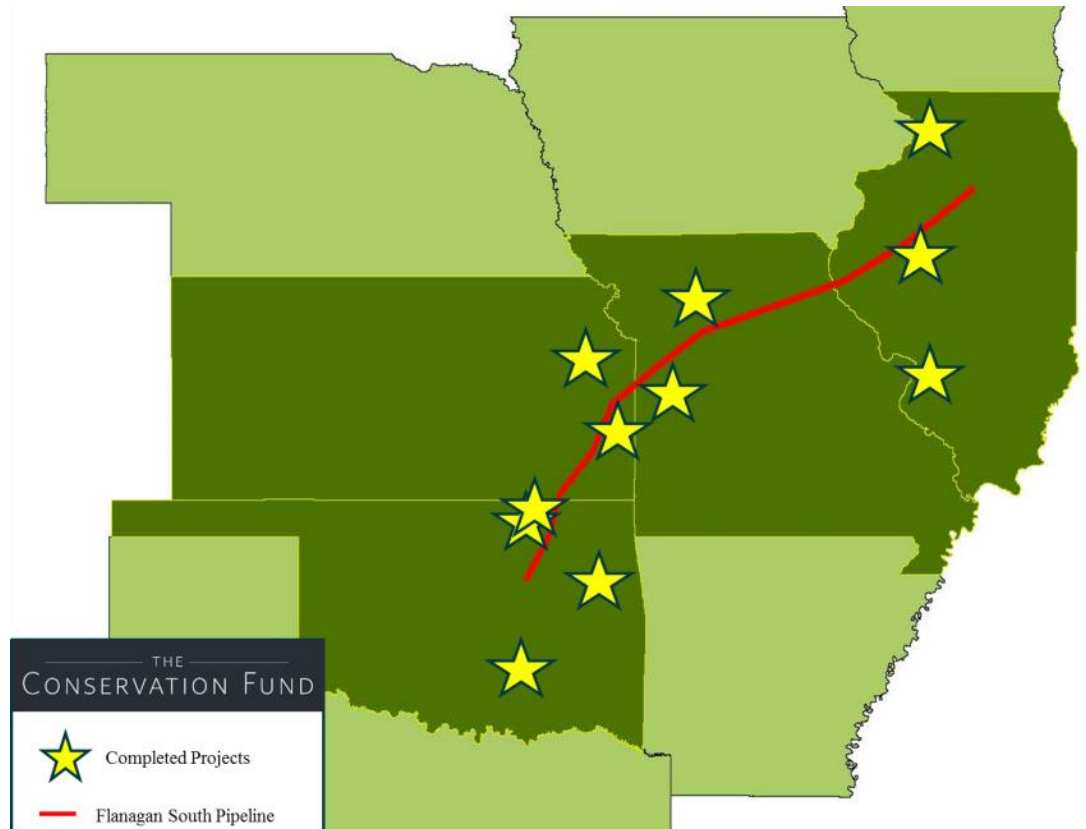


Red-cockaded-woodpecker. Courtesy USFWS. Birding & Wildlife Viewing

Permittee Responsible, Third-Party Implemented Mitigation

Example: Flanagan South Pipeline Project

- 593-mile pipeline project
- Impacts to
 - Indiana bat
 - American burying beetle
 - Migratory bird habitat
- USFWS determined project impacts equated to habitat value of \$20M
- TCF was third-party mitigation provider



Permittee Responsible, Third-Party Implemented Mitigation

Example: Sodalis Nature Preserve

Sodalis Nature Preserve, Hannibal, MO

- Funded by Flanagan South Pipeline Mitigation account
- Priority 1 Indiana Bat hibernaculum
 - Abandoned limestone mine
 - 30% of Indiana bats hibernate here
- Bats hibernating here breed up to 180 miles away
- Mine also used by:
 - Northern long-eared bat
 - Gray bat
 - +5 other species



In-lieu Fee

- Definition: *“In-lieu-fee” mitigation occurs in circumstances where a permittee provides funds to an in-lieu-fee sponsor instead of either completing project-specific mitigation or purchasing credits*
- Commonly used for wetland impacts, being developed for species



In-lieu Fee

Example: Atlantic Salmon Restoration and Conservation Program



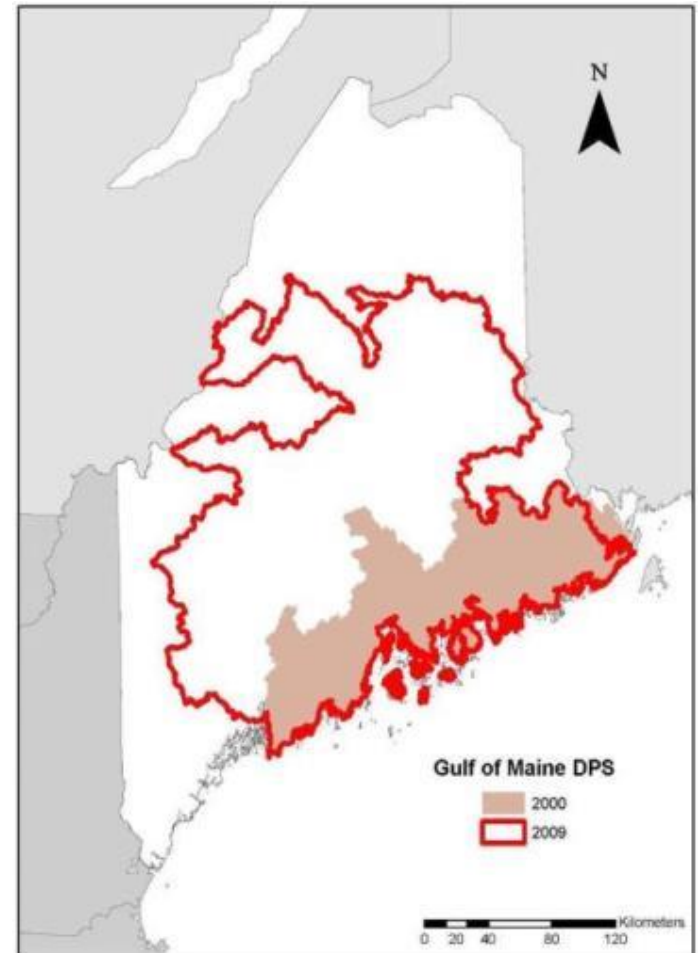
Image: © Kelsey Taylor, Atlantic Salmon Federation

In-lieu Fee

Example: Atlantic Salmon Restoration and Conservation Program

Gulf of Maine DPS of Atlantic Salmon

- Listed as endangered in 2000 and then expanded in 2009
- DPS covers all anadromous Atlantic salmon in 87 watersheds in Maine
- More than 40 watersheds include suitable habitat but are unoccupied or inaccessible
- In 2014 total adult returns estimated to be fewer than 500 individuals
- Goal of mitigation is to achieve no net loss of species by offset of adverse affected resource with function of equal or greater value



In-lieu Fee

Example: Atlantic Salmon Restoration and Conservation Program

Need for an in-lieu fee (ILF) program

- Variety of permitted activities have potential to cause in-stream impacts
- ILF program could provide permit applicant with an option for compensatory mitigation after proper mitigation sequencing
- Increase the extent and quality of restoration, enhancement, creation and preservation of Atlantic salmon natural resources
- Achieve ecological success on regional basis by directing and integrating ILF projects with other conservation activities



In-lieu Fee

Example: Atlantic Salmon Restoration and Conservation Program

ASRCP ILF Sponsor

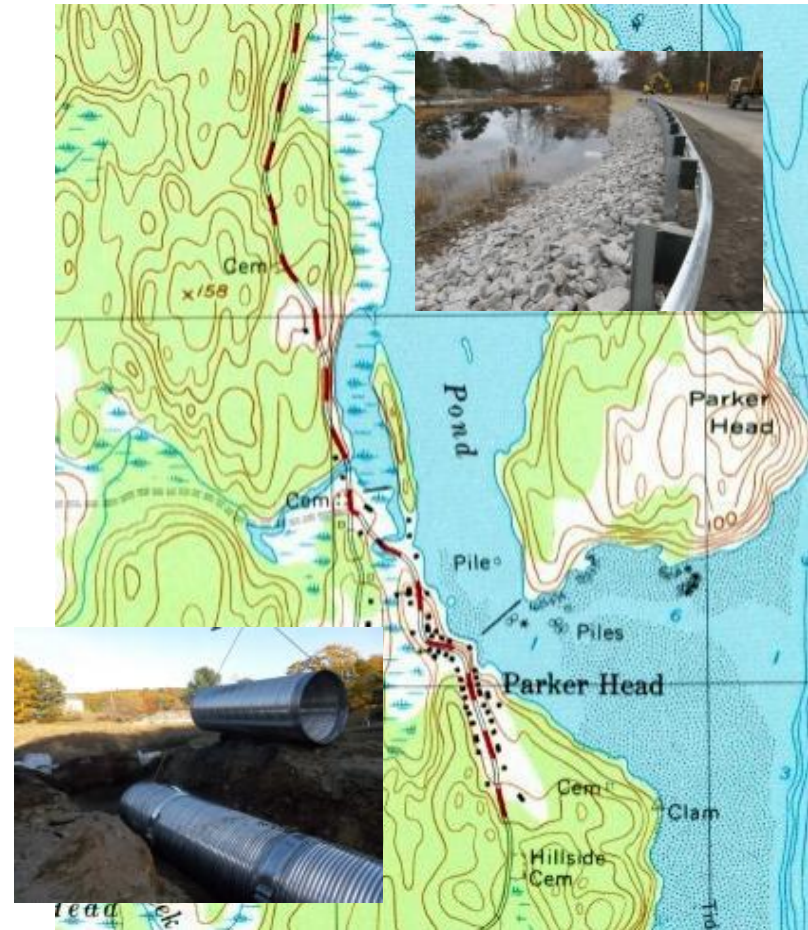
- Maine Department of Marine Resources is anticipated to be Sponsor with responsibility for ensuring success of mitigation sites and the ILF program consistent with 33 CFR Part 332.8

ASCRP ILF Program Administrator

- Possible role for NGO conservation partner to hold and manage funds, maintain ledgers, attain IRT approval for plans and expenditures, annual reports, site monitoring

Conservation partners and Land Trusts

- Project identification, implementation, endowments, land ownership



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- **Questions?**