



# Review of Compensatory Mitigation Mechanisms and Standards



Shauna Everett

Conservation Banking Webinar Series: Webinar #7 January 27, 2021

Photos by USFWS  
Species conserved by conservation banks  
Vernal pool conservation bank in CA



West Indian Manatee

# Compensatory Mitigation Programs: Purpose and Goals

## Biological

- Aid in recovery of Endangered Species Act (ESA) listed species
- Aid in conservation and preventing future ESA listings
- Promote sustainable, landscape-scale approach to mitigation

## Procedural

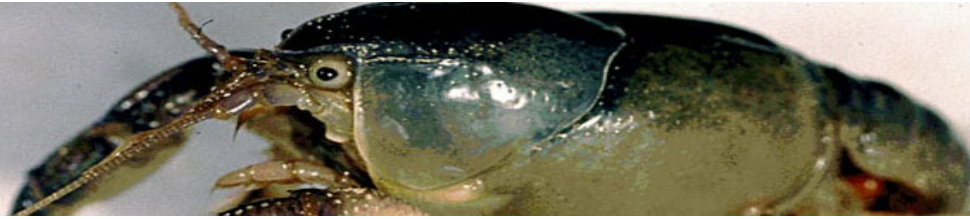
- Provide economically effective process for project proponents
- Improve regulatory processes for project proponents
- Reduce the Services' ESA-related workload



Greater sage-grouse

# Compensatory Mitigation Mechanisms

Single Party	Third Party & Other Approaches	
Permittee Responsible Mitigation (PRM)	• Conservation Bank <i>incl.</i> Joint Banking	<i>Webinars 1-7</i>
	• In Lieu Fee (ILF)	<i>Webinar 8</i>
	• Habitat Credit Exchange	----
	• Recovery Crediting System	----
	• Pre-Listing Mitigation Programs	<i>Webinar 7</i>
	• Programmatic ESA Consultation & MOU Approaches	<i>Webinar 8</i>



# Mitigation Principles and Standards

Compensatory mitigation practices across the world are guided by the following:



- Mitigation sequence – avoid, minimize, compensate
- In kind for species
- Science as a base
- Consistent metrics
- Landscape approach
- Transparency, consistency, collaboration
- Actions should be timely, well sited, additional, durable, effective, and accountable

Apply Equivalent Standards



# Prelisting Approaches to Mitigation

Shauna Everett



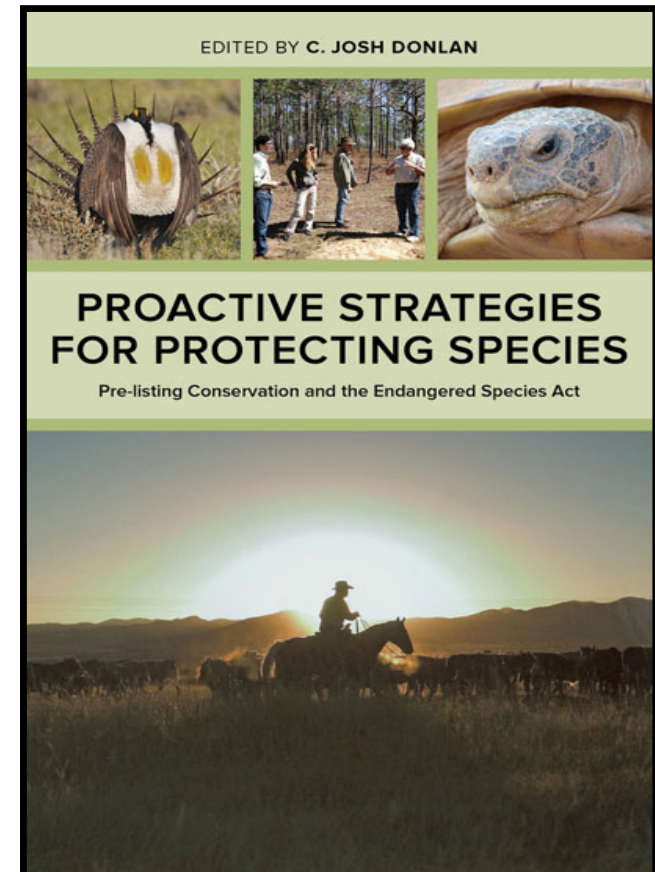
*Conservation Banking Webinar Series: Webinar #7 January 27, 2021*

# What is Prelisting Mitigation?

Voluntary prelisting  
conservation actions or programs  
that provide benefit  
to non (ESA) listed species  
+  
Are recognized by USFWS  
as compensatory mitigation post-listing

What can prelisting mitigation do?

- Incentivize early conservation
- Prevent need to list some species
- Help stakeholders manage risk of future regulation, provide additional income, mobilize funding, and provide an overarching framework for local use





# Policy Regarding Voluntary Prelisting Conservation (2018)

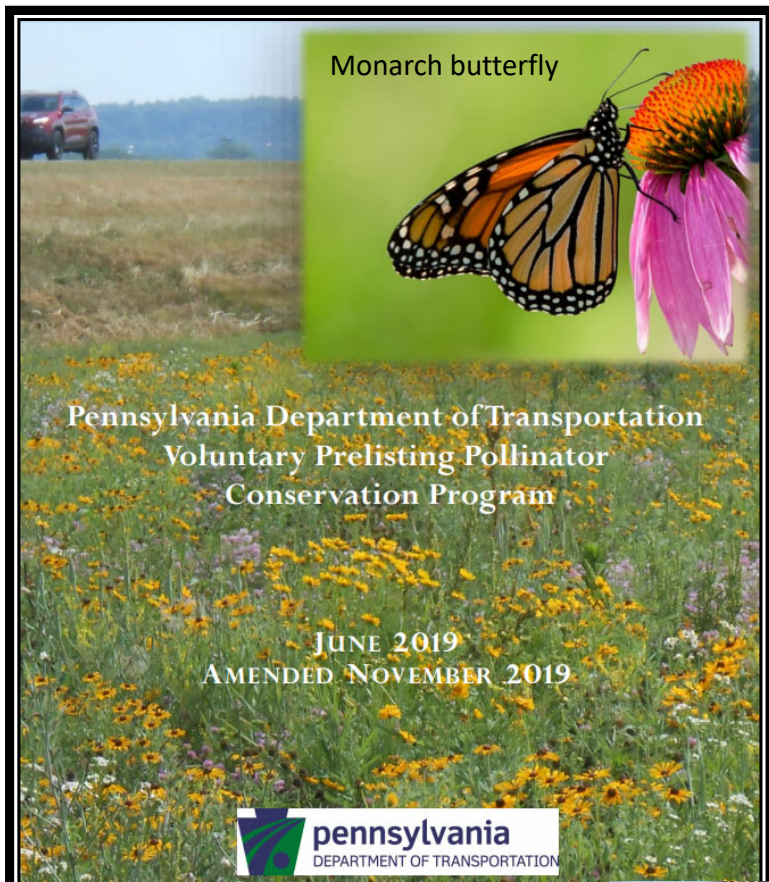
Generate credits for taking beneficial actions to help conserve unlisted species

Framework for States to establish voluntary prelisting conservation programs:

- Based on species conservation strategy
- For all types of property owners (public, private, tribal)
- Net conservation benefit requirement

Should the species become listed, credits can be used:

- As mitigation under ESA section 10 (HCP), or
- As a compensatory measure under ESA section 7 consultation



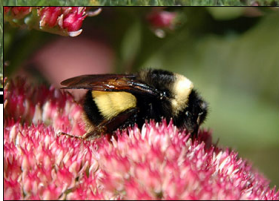
Monarch butterfly

Pennsylvania Department of Transportation  
Voluntary Prelisting Pollinator  
Conservation Program

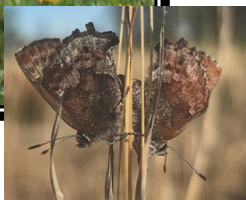
JUNE 2019  
AMENDED NOVEMBER 2019



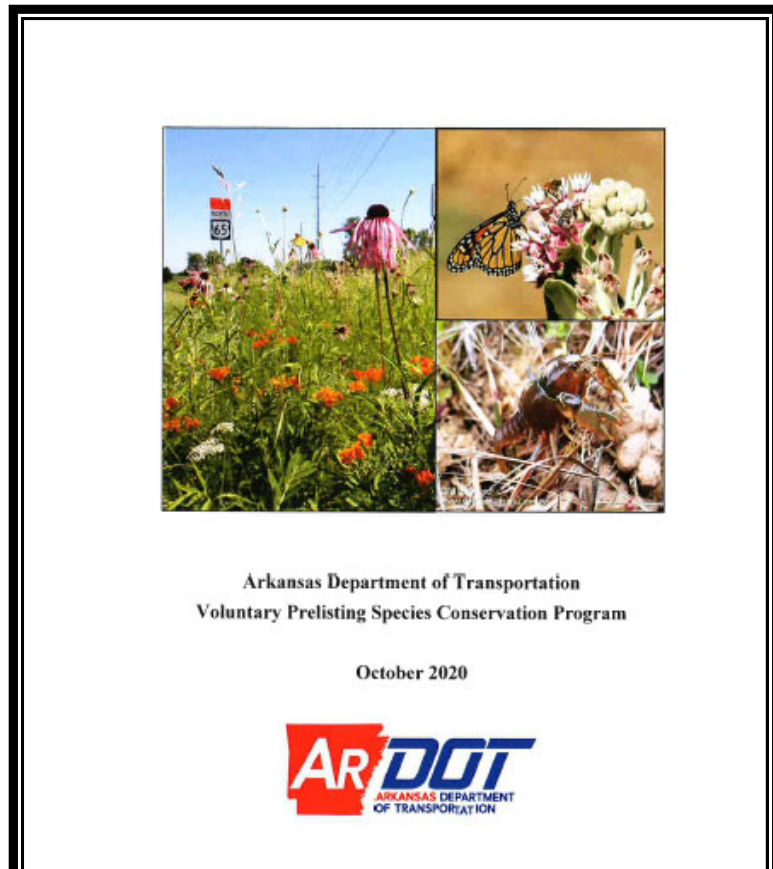
Regal's fritillary



Yellow-banded bumblebee

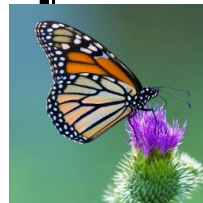


Frosted elfin



Arkansas Department of Transportation  
Voluntary Prelisting Species Conservation Program

October 2020



Monarch butterfly



5 crayfish species



Frosted elfin



# PennDOT Volunteer Prelisting Pollinator Conservation Program

- PennDot + Pollinator Working Group
- Strategies: PA Wildlife Action Plan, PA Pollinator Protection Plan, and a Pollinator Prioritization Model
- Research and adaptive management
- Service areas, credit ratios

## Conservation actions:

- conservation mowing
- daylighting
- habitat establishment

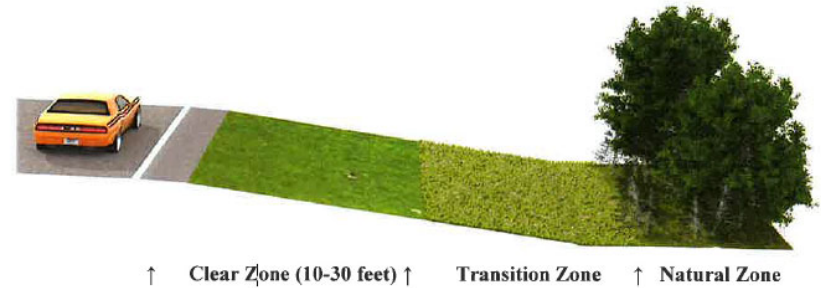


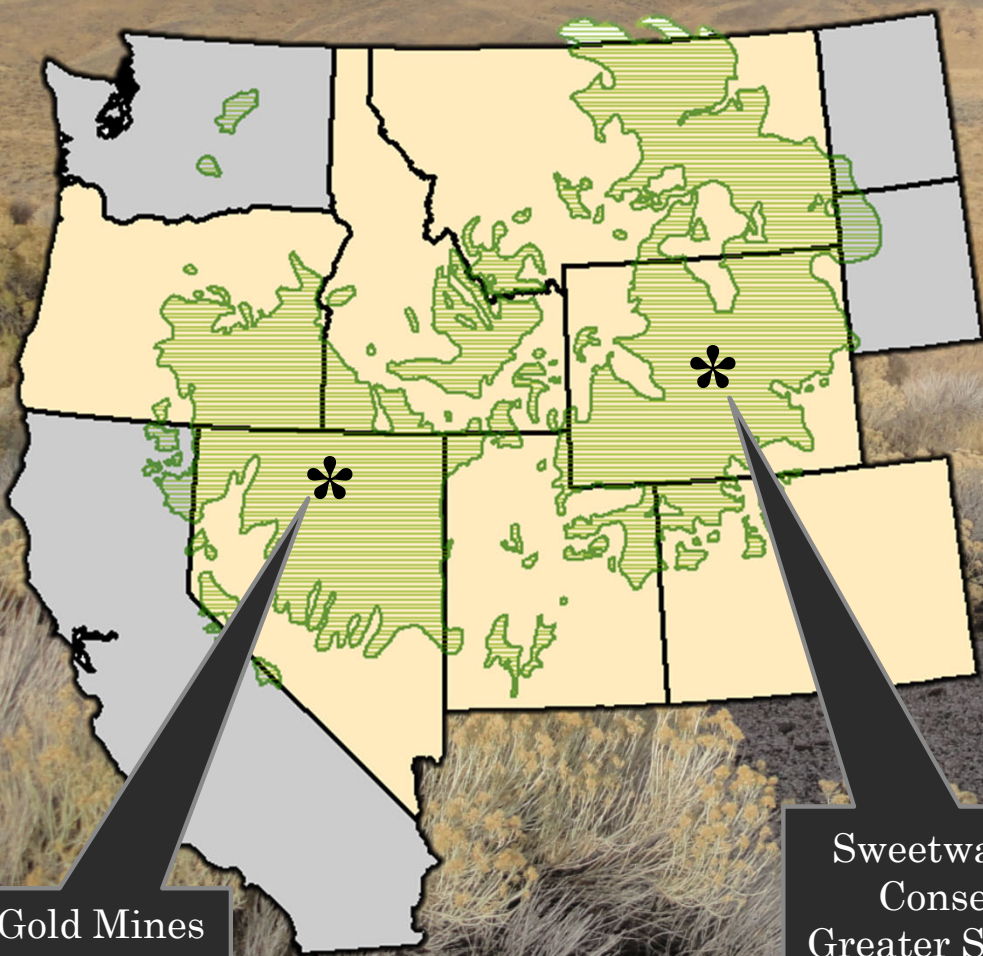
Figure: AR-DOT Prelisting Program 2020



# Greater sage-grouse



# Greater sage-grouse Compensatory Mitigation Programs



Nevada Gold Mines  
Bank Enabling  
Agreement (2015)

Sweetwater River  
Conservancy  
Greater Sage-grouse  
Habitat Bank (2014)

-  State Program
-  Bank
-  Range

<https://ribits.ops.usace.army.mil>

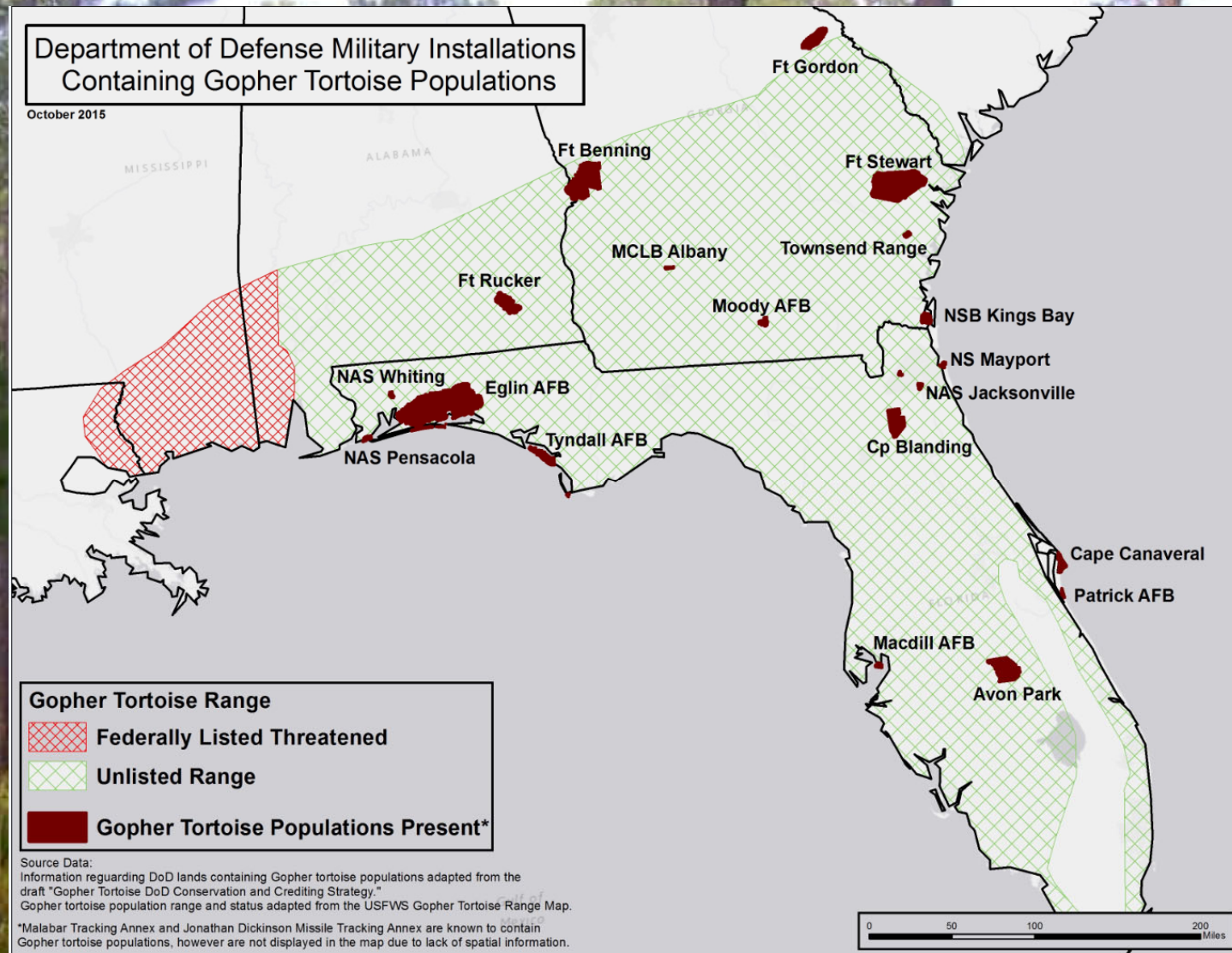
The background image shows a large, olive-drab military tank, possibly an M1 Abrams, positioned in a dense forest of tall pine trees. The tank is the central focus, with its turret and main gun barrel visible. In the lower-left foreground, there is a smaller, inset photograph of a gopher tortoise resting on a bed of dry pine needles. The tortoise is facing right, and its dark, scaly shell and legs are clearly visible. The overall scene suggests a conflict between military operations and wildlife conservation in a natural habitat.

DOD  
Gopher Tortoise  
Conservation and Crediting Strategy

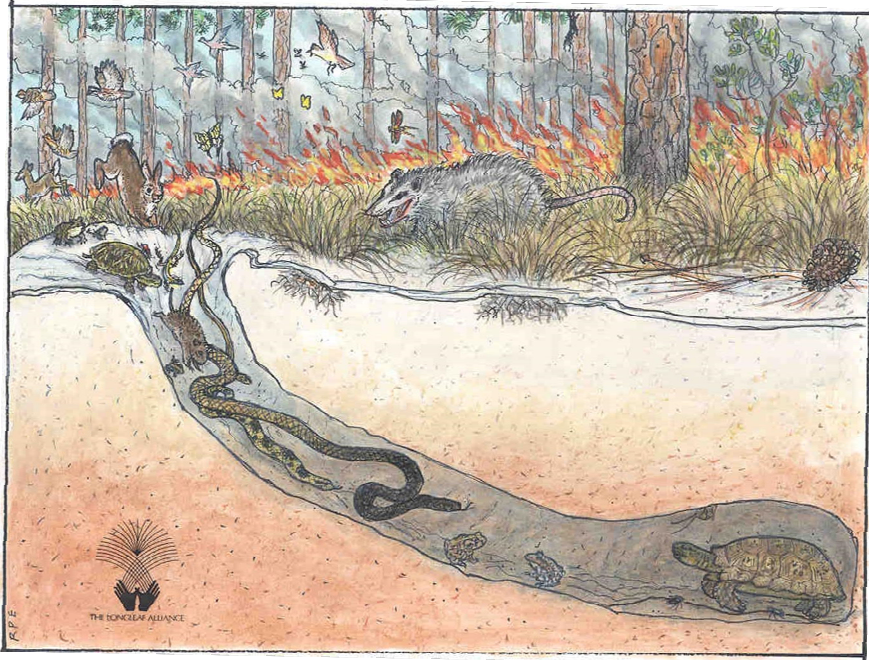
Gopher tortoise is a candidate ESA species in its eastern range.

Associated with the long leaf pine ecosystem.

16 installations manage the species through INRMP's and contribute to a range-wide CCA.



# Gopher Tortoise Conservation and Crediting Strategy



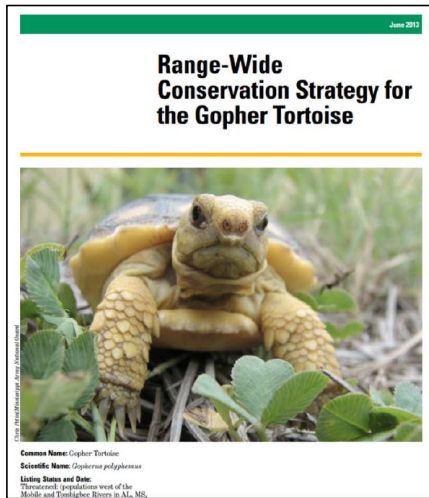
*A tortoise burrow can support >350 other species.*

## Concepts:

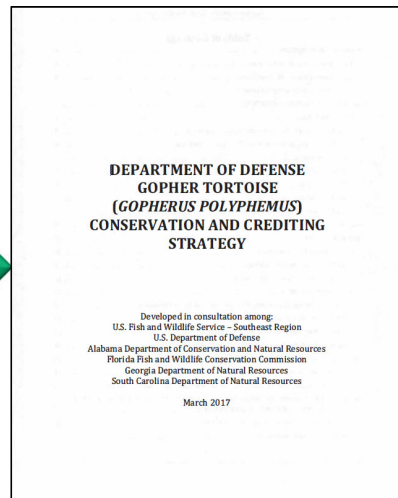
- Provide a net conservation benefit
- Apply across the unlisted range
- Rely on existing info and State programs
- Simple, transparent, easy to implement
- System could be used by other agencies
- Allow for inclusion of additional species



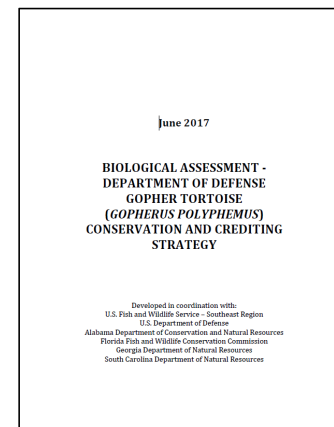
# Approach – Tiered ESA Section 7(a)(4) “Consultation(s)”



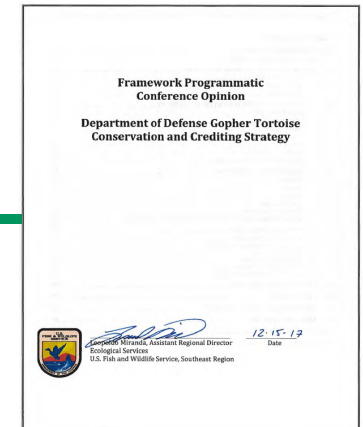
Gopher Tortoise Conservation Strategy (2013)



DOD Gopher Tortoise Conservation and Crediting Strategy (2017)



Biological Assessment (2017)



Framework Programmatic Conference Opinion (2018)



*Conversion from Conference Opinion to Biological Opinion, if the species is listed, can ensure parameters of overall Strategy and any installation participation will remain in force.*

Document Program Participation by Installation

Earn Credits (Establish Conservation Areas)

Use Credits (Assess Mission Effects)

