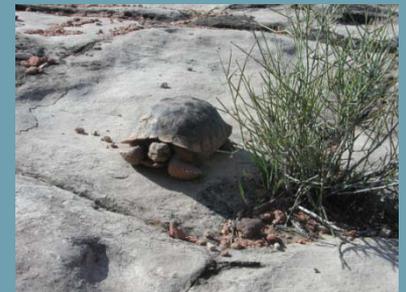
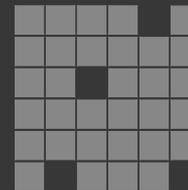


# MITIGATION AND CONSERVATION

## BALANCING TRUST OBLIGATIONS WITH MITIGATION REQUIREMENTS

State of Utah  
School and Institutional  
Trust Lands Administration

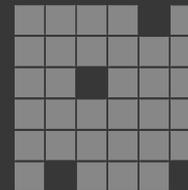


# PRESENTATION OVERVIEW

- Utah SITLA's experiences with:
  - Mitigation banking via conservation easements
  - Mitigation banking via land sale
  - Conservation land sale transactions
  - Conservation agreement to preclude listing

# UTAH PRAIRIE DOG MITIGATION BANK CONSERVATION EASEMENT AGREEMENT

State of Utah  
School and Institutional  
Trust Lands Administration



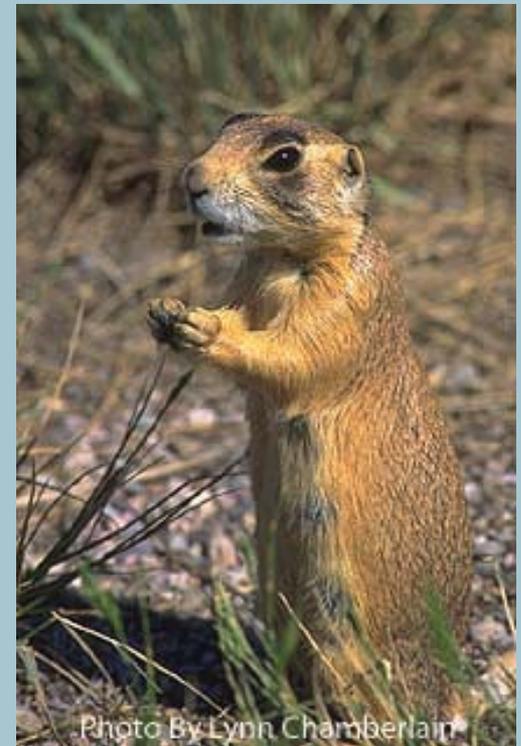
# WHY MITIGATION BANKING?

## ■ Endangered Species Act

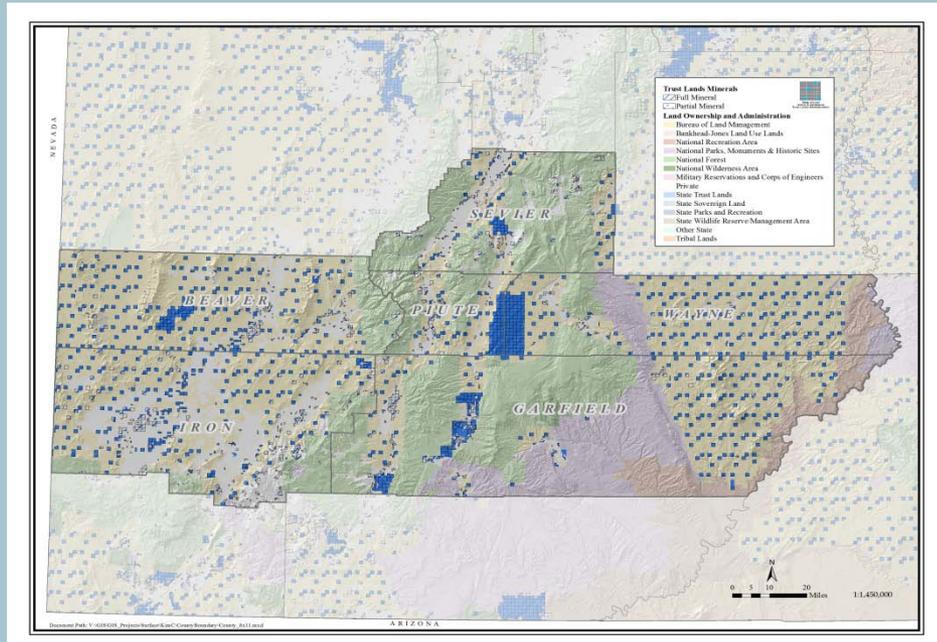
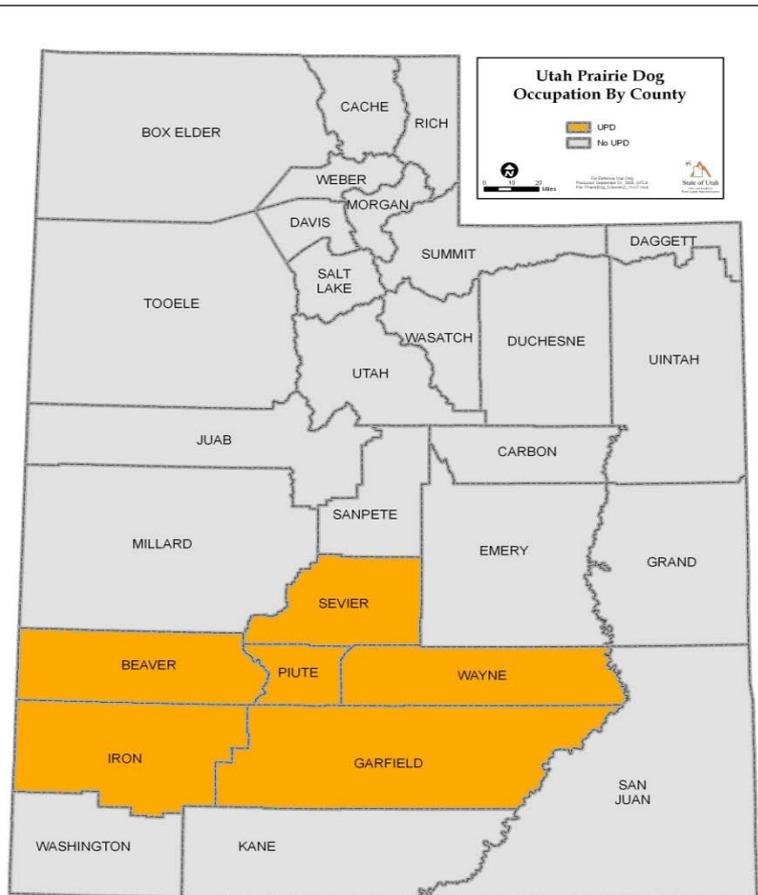
- Plant species protection required only on public lands
- Animal species protection required on all lands, including private and trust lands
  - Recovery efforts are only recognized on public land and other formally-protected lands
  - Populations on non-protected private and trust lands are not counted toward overall recovery
  - Disturbance on private and trust lands usually requires mitigation

# UTAH PRAIRIE DOG ESA LISTING

- Listed as “endangered” in 1973
  - Less than 3,300 dogs
- Down-listed as “threatened” in 1984
  - More than 5,000 dogs



# COUNTIES IMPACTED



# PARTNERS

- Utah Trust Lands Administration
- Utah Division of Wildlife Resources
- U.S. Fish and Wildlife Service
- Utah State University Extension Service
- Environmental Defense
- Impacted Counties

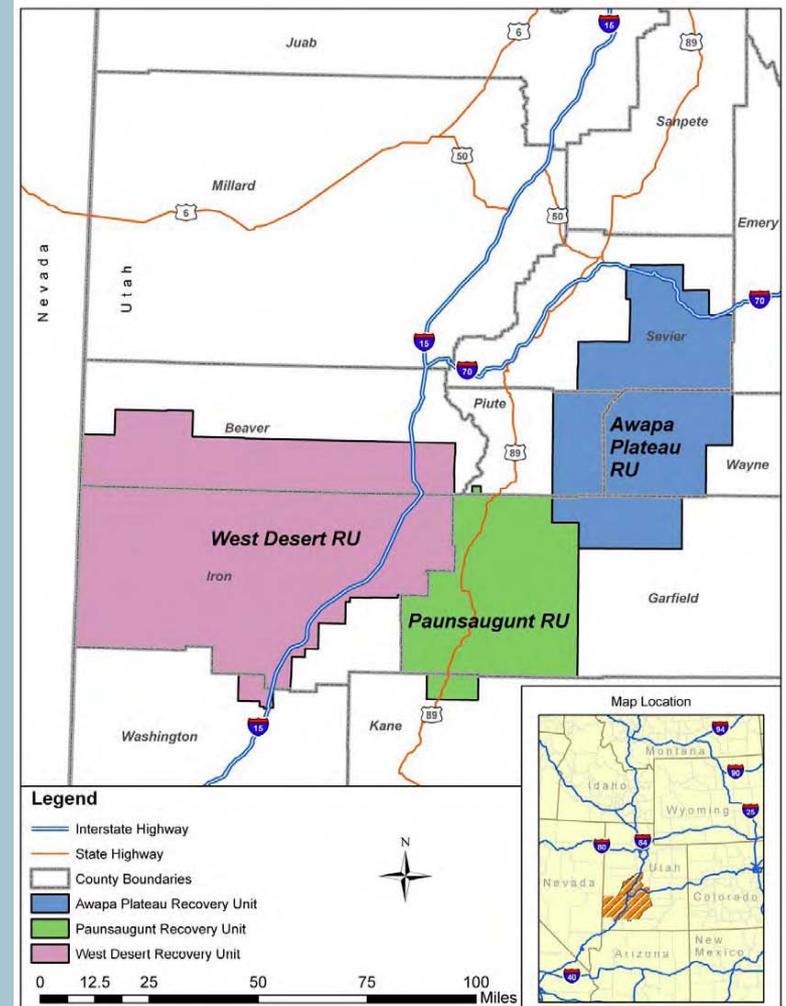


# OBJECTIVES

- Enhance and restore habitat for the Utah prairie dog, and contribute to its conservation and recovery
- Create opportunities for development in areas populated with species
- Maximize earnings, consistent with fiduciary duties

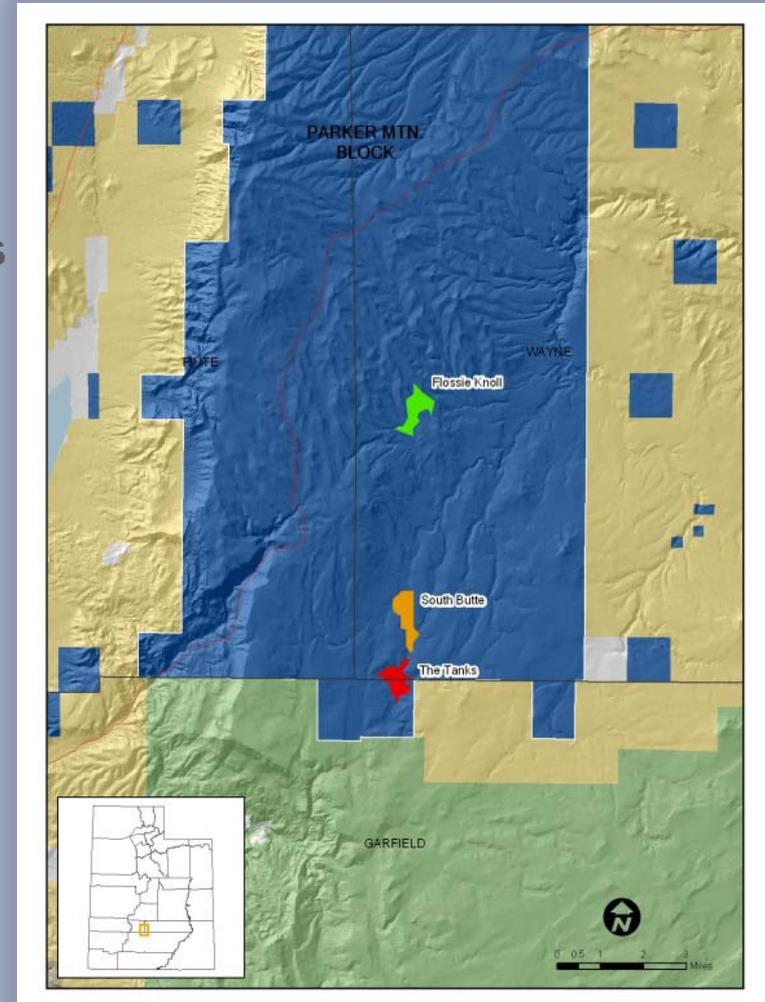
# USFWS RECOVERY UNITS

- West Desert RU
  - Paunsaugunt RU
  - Awapa Plateau RU
- ✓ Each RU must have > 2000 adult dogs for five consecutive years to qualify for delisting



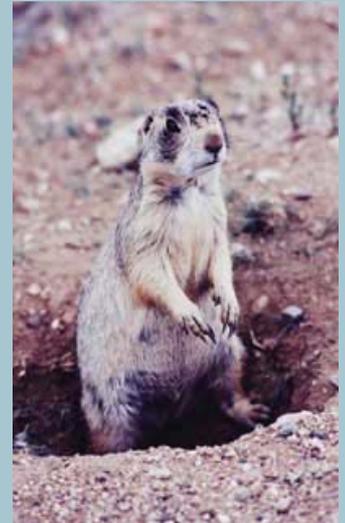
# ELEMENTS OF MITIGATION BANK AGREEMENT

- Awapa Recovery Unit
  - Contains 105,000 acre SITLA block -
    - 6,850 SITLA acres Utah prairie dog habitat
    - Establish Perpetual Conservation Easements
- Create an endowment fund for perpetual maintenance of mitigation sites
- Earn credits by creating prairie dog habitat, available for sale or use by SITLA



# MITIGATION CREDITS

- Awarded 154 mitigation credits for 77 prairie dogs
- Appraised value of easement sites \$126,000 or \$250/acre
- Prairie dog credit valued at \$1,836
  - ( $\$126,000/77 + \$200$  per prairie dog for perpetual endowment fund)
- Perpetual endowment fund managed by Utah Division of Wildlife Resources
- SITLA sold all mitigation credits to Iron County at \$918 per credit or \$1836 per prairie dog



# MITIGATION BANK AREAS

Mitigation Banks	Acres	Easement Value	UPD Counted	Mitigation Credits
Tanks	222	\$55,500 + \$100/credit	31	63
South Butte	282	\$70,500 + \$100/credit	46	91
Flossie	(254)	Easement Not Sold (too few dogs to qualify)	0	0
<b>Totals</b>	<b>504</b>	<b>\$126,000</b>	<b>77</b>	<b>154</b>

# UTAH PRAIRIE DOG “MITIGATION BANK” LAND SALE

State of Utah  
School and Institutional  
Trust Lands Administration

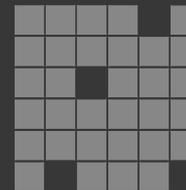


Photo By Lynn Chamberlain

# “MITIGATION BANK” - LAND SALE

- Maintenance and public safety issues at three airports due to Utah prairie dog populations
- FAA allowed ongoing development at impacted airports and provided \$800,000 to acquire replacement habitat
- The Nature Conservancy bought 800 acres of Trust Lands for Utah prairie dog habitat using FAA funds
- U.S. Fish and Wildlife Service provided the Trust Lands Administration with 1,000 Utah prairie dog mitigation credits

- Utah Trust Lands Administration
- The Nature Conservancy
- U.S. Fish and Wildlife Service
- Federal Aviation Administration (FAA)
- Cedar City, Town of Parowan, and Wayne County airports
- Three affected Counties



Cedar City Regional Airport

**PARTNERS**

<b>800 acres</b>	<b>\$1,000/acre</b>	<b>\$800,000</b>
<b>1,000 mitigation credits</b>	<b>\$800/credit</b>	<b>\$800,000</b>
	<b>TOTAL</b>	<b>\$1.6 million</b>



**“MITIGATION  
BANK”**

**LAND SALE  
REVENUE**

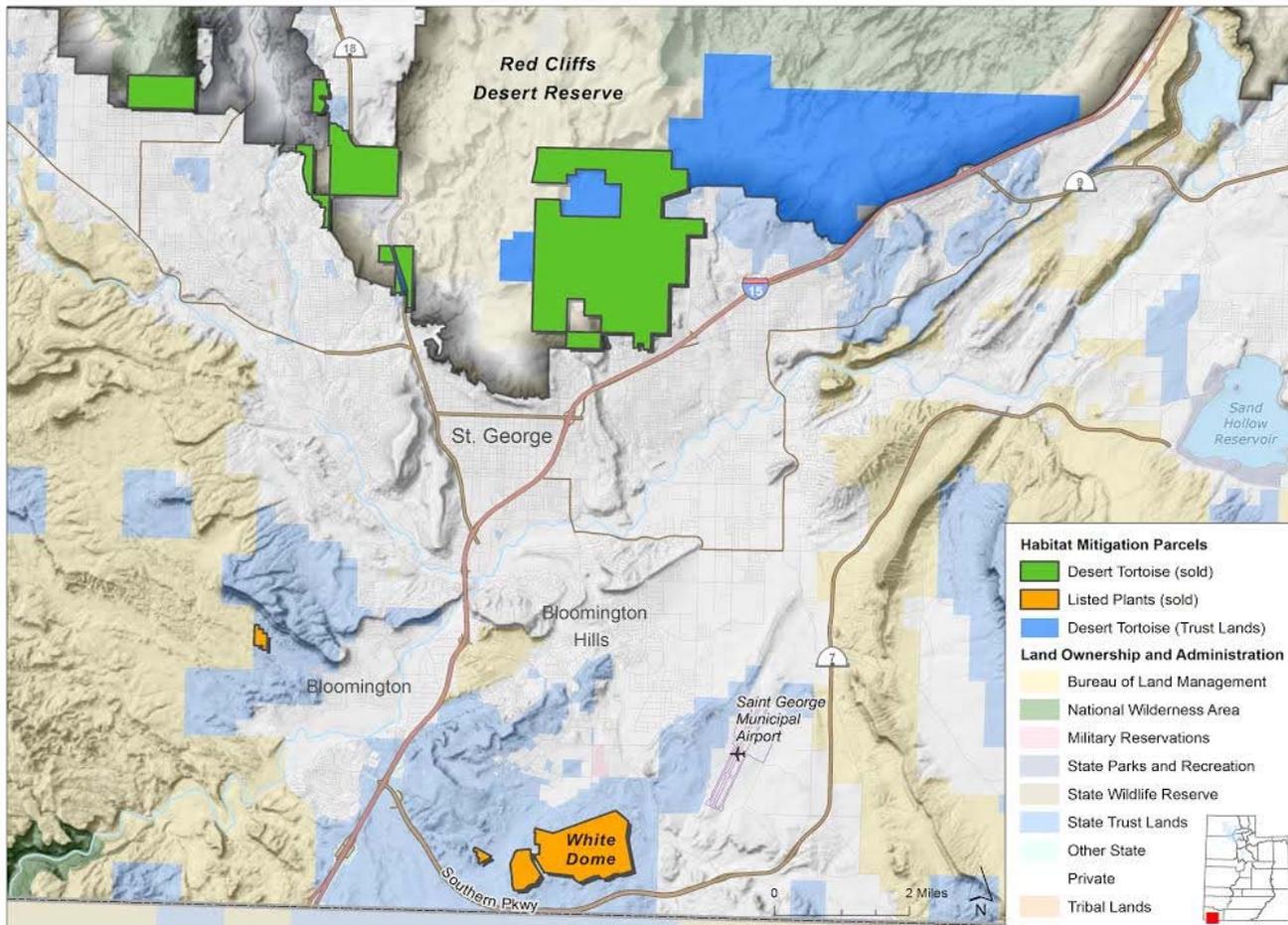
# CONSERVATION EASEMENT VS LAND SALE

<b>Advantage/Disadvantage</b>	<b>Land Sale</b>	<b>Conservation Easement</b>
<b>Staff time</b>	+	
<b>Species conservation</b>	+	+
<b>Local politics</b>		+
<b>Trust Lands economics</b>	+	
<b>Local economics</b>	+	
<b>Mitigation credits</b>	+	+
<b>Property ownership</b>		+

# RECENT COURT RULING – GAME CHANGER

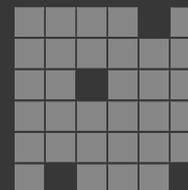
- Violation of Interstate Commerce Clause (Utah prairie dog unique to one state)
- ESA restrictions not applicable to private or state lands
- USFWS appeal expected
- Mitigation credits earned will only be relevant to future projects involving federal land (e.g. utility corridor crossing federal land)
- Utah DWR mgt. plan for private and state lands due out in February – vehicle for trapping and translocation of dogs to protected areas

# OTHER ESA RELATED TRANSACTIONS

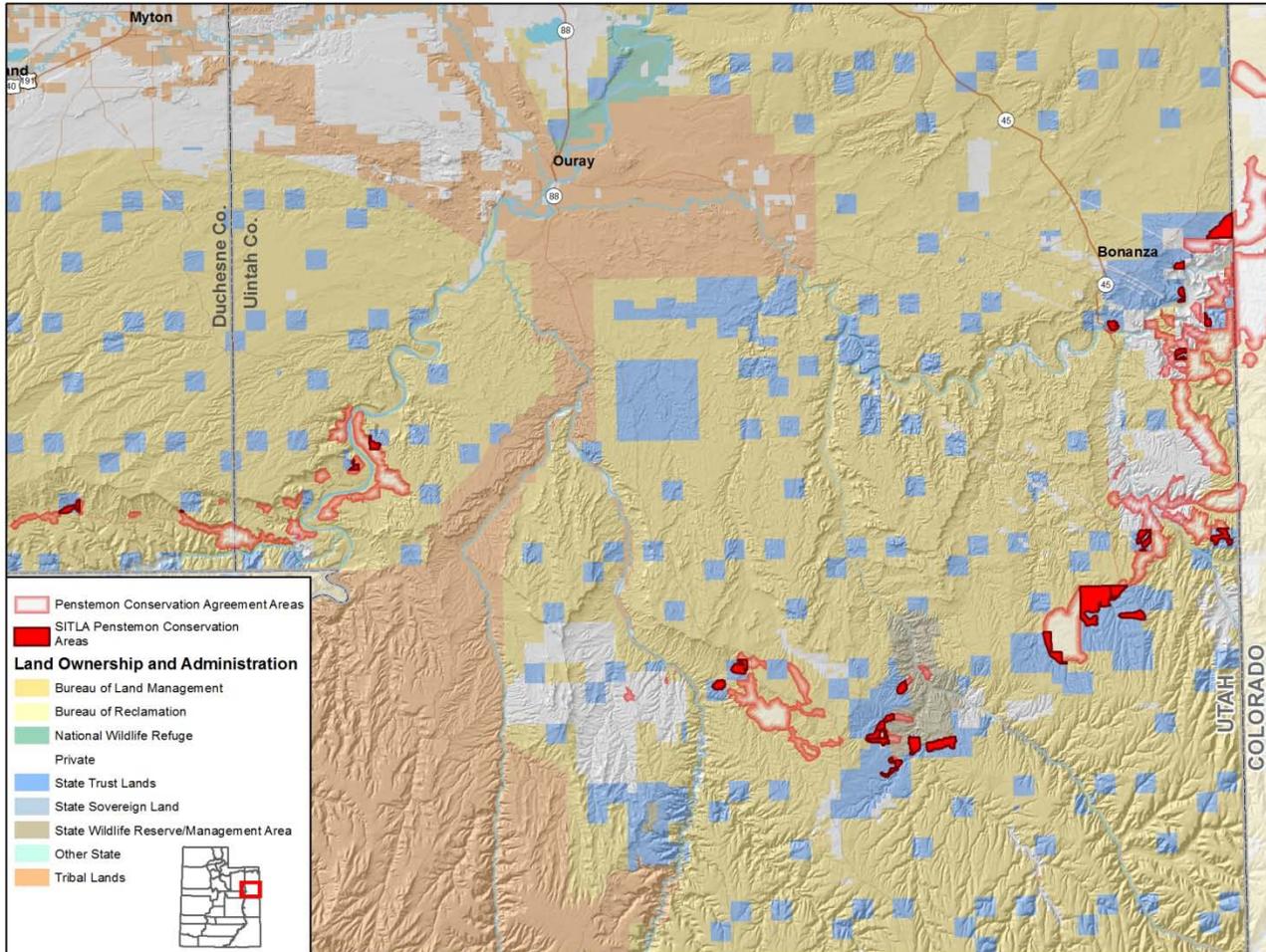


# PENSTEMON CONSERVATION AGREEMENT

State of Utah  
School and Institutional  
Trust Lands Administration



# USFWS POISED TO LIST AS THREATENED



Graham's beardtongue



White River beardtongue



# AGREEMENT ELEMENTS

- Precludes need for listing
- Certain areas protected; others released for development
  - 15-year term
  - 44,000 acres of conservation areas (federal, state, & private)
  - Ground disturbance limited to 5 and 2.5 percent of land set aside for Graham's beardtongue and White River beardtongue, respectively
  - No disturbance within 300 feet of a plant
- Conservation team to supervise additional scientific efforts to enhance and restore habitat

# COLLABORATIVE PARTNERS

- US Fish and Wildlife Services
  - Utah Public Lands Policy Coordination Office
  - Bureau of Land Management
  - Utah Trust Lands Administration
  - Utah Division of Wildlife Resources
  - Uintah County, Utah
  - Rio Blanco County, Colorado
  - Private landowners
- 
- **Collaboration - key to protecting resources, business opportunities, and healthy local economies**

# FUTURE MITIGATION CHALLENGES/OPPORTUNITIES

- Greater sage grouse  
- YIKES!

