

# Voluntary Compensatory Mitigation Options for the Indiana Bat and Northern Long-eared Bat in Missouri

U.S. Fish and Wildlife Service Missouri Field Office

## Service Areas and Mitigation Ratios

The service area of a mitigation project defines the geographic area in which the mitigation project may be used as an offset. The primary basis of a service area is the conservation needs of the covered species. Primary and secondary service areas can be designated to encourage compensation closer to the impact and in an area that benefits the same life stage or ecological unit that was impacted.

Two service areas have been established in Missouri based on known differential use of the state by various life stages of Indiana bats and northern long-eared bats. The North Missouri Service Area supports the majority of Indiana bat maternity colonies and some northern long-eared bat colonies. It also includes the largest known hibernating colony of Indiana bats in Hannibal. The South Missouri Service Area includes many smaller, yet important, hibernation sites for Indiana bats, some maternity colonies of Indiana bats, and a greater number of northern long-eared bats.



Compensatory mitigation for impacts can occur statewide. The service area in which the impact occurs is considered the primary service area making the other service area the secondary service area. The FWS recommends the ratio for compensation in the primary service area be at least a 1:1 ratio, whereas compensation in the secondary service area should be at least a 1.5:1 ratio. If the mitigation projects are not identified upfront, the FWS assumes the projects will occur in the secondary service area with at least a 1.5:1 ratio.

### **Compensatory Mitigation Mechanisms and Options**

Four habitat-based compensatory mitigation mechanisms are currently considered in Missouri, conservation banks, in-lieu fee programs, permittee-responsible mitigation projects, and third party mitigation projects.

*A conservation bank* is a site, or suite of sites (i.e., umbrella bank), that is conserved and managed in perpetuity and provides ecological functions and services that are expressed as credits for specified species or resources. The credits are later transferred or sold to others for use as compensation for impacts occurring elsewhere to the same species or resource. The sponsor of a conservation bank may be a private entity, non-profit organization, or a government agency.

*In-lieu fee (ILF) programs* involve the restoration, establishment, enhancement, and/or preservation of habitat through funds paid to a governmental or nonprofit natural resources management entity (i.e., ILF program sponsor) to carry out compensatory mitigation. ILF programs collect fees from project proponents that have been approved by the FWS to use ILF programs instead of providing permittee-responsible mitigation. Fees collected by ILF sponsors are placed in an ILF account and funds are disbursed from that account to carry out mitigation, as specified in the ILF instrument.

*Permittee-responsible mitigation (PRM)* includes activities or projects undertaken by a project proponent, an authorized agent, or contractor to provide compensatory mitigation for impacts caused by an action. As opposed to a conservation bank, the project proponent retains full liability for the success of mitigation projects. Though a project proponent commits to compensating for their impacts, PRM projects are typically established after the impacts they are offsetting. Unlike conservation banks and ILF programs, PRM projects do not accrue credits or funds that can be used at a later time.

*Third party mitigation lands* are usually established for a single project rather than multiple projects as are conservation banks. The mitigation land sponsor assumes liability for the success of the mitigation land with the approval of the FWS. Property ownership can be held by partnering organizations such as state agencies, local governments, non-governmental

organizations, or land trusts that would be responsible for perpetual management of the mitigation lands.

Compensatory mitigation projects must achieve conservation objectives within a reasonable timeframe. It is preferable that compensatory mitigation is implemented in advance of the action that adversely impacts the species. If advance mitigation options are available, the FWS recommends use of those projects before considering alternatives that are implemented after the impact. Available options for compensatory mitigation in Missouri are listed below.

Chariton Hills Conservation Bank

<https://www.burnsmcd.com/projects/chariton-hills-conservation-bank>

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South Fabius Conservation Bank

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Range-wide Indiana bat ILF

[https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/ILF\\_InstrumentINBA.pdf](https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/ILF_InstrumentINBA.pdf)

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*Proposals for PRM and third party mitigation projects will be considered on a case-by-case basis*