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# Compensatory Mitigation for Land-based Wind Energy

## Webinar 2: Funding Mechanisms

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### AUDIENCE QUESTIONS AND ANSWERS

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**Question: For the Indiana bat case, what methodology and who calculated the mitigation ratios and fees? Interested in the methods FWS used to convert impact to dollars.**

**Answer:** The Conservation Fund isn't responsible for converting impact to dollars. The fees in the bat in-lieu fee program are explained in the program instrument online. The bat in-lieu fee program instrument is located here: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-lieu-fee-program-instrument>. (Nick Morgan)

**Question: Is The Conservation Fund considering opening an in-lieu fee program for the tri-colored bat assuming it gets listed in the near future?**

**Answer:** The Conservation Fund is working with the U.S. Fish and Wildlife Service on programmatic options for tri-colored and little brown bats. This should also be useful for other bat species if they get listed in the future. (Nick Morgan)

**Question: What is the power pole retrofit Josiah mentioned regarding Burns & McDonnell's Eagle Protection & Offset Program?**

**Answer:** The power pole retrofits are coordinated with local utilities to retrofit power poles with equipment to reduce electrocution risks to eagles. (Josiah Maine)

**Question: With power pole retrofits, how do you determine which poles to retrofit?**

**Answer:** We take into account eagle occurrence data and see where that overlaps with poles that our infrastructure sponsor owns. The retrofits have to be conducted within the same flyway as the impact. (Josiah Maine)

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**Question: Do you know of any programs or cases of solar mitigation programs that mitigate a particular kind of land loss (like prime farmland) to development? How do you set up mitigation programs that have implementation complications or need continuous enforcement (e.g., set up agrivoltaics and make sure farming activities continue for the lifetime of the project)?**

**Answer:** I know the state of Virginia is working on establishing a solar mitigation program for prime farmland and forests. I am not aware of any existing programs. We are working with Virginia, and I expect their program will use established compensatory mitigation precedents to finalize their program. Also, I am seeing a trend that solar developers are interested in voluntary options for mitigation of resources like prime farmlands if local communities ask for these actions. For the second part of your question about continuous enforcement, a regulator will only enforce something if it is part of a permit. I am not aware of any existing permits that have required agrivoltaics. This would likely have to be some sort of state or local regulation and I don't expect they want to continuously enforce something like agrivoltaics. So, the best bet is a voluntary agreement that is protected by an easement and enforced by the easement holder. Perhaps it would be a voluntary agrivoltaics easement and a land trust would be the easement holder that enforces this to be maintained. (Nick Morgan)

**Question: Do any of the presenting organizations have programs specific to creating, restoring, or enhancing marsh bird habitat?**

**Answer:** We do not have a specific program for marsh bird habitat, but we do significant conservation work in marsh habitat. We can develop specific programs if the need is significant or simply provide Permittee Responsible Mitigation (PRM) on a project-specific basis. (Nick Morgan)

**Question: Regarding the Indiana Bat Fee Schedule, how, for example, would a wind energy project in Alabama have to pay for bat take?**

**Answer:** Wind projects use the Resource Equivalency Analysis Model (REA) to convert direct mortality into acres of habitat. Here is an example from U.S. Fish and Wildlife Service, Region 3 that could probably be applied to Region 4 (includes Alabama):  
[https://www.fws.gov/sites/default/files/documents/REA%20Model%20User%20Guide\\_V%204.pdf](https://www.fws.gov/sites/default/files/documents/REA%20Model%20User%20Guide_V%204.pdf).  
(Nick Morgan)

**Question: Please define advanced mitigation.**

**Answer:** Advanced mitigation is simply mitigation projects that have been preapproved by the regulating agency. In the case of species mitigation, the USFWS would require that a mitigation project has met the success criteria prior to selling mitigation credits. Approved banks are a form of advanced mitigation, but in-lieu fee programs also have advanced mitigation. Some in-lieu fee programs complete mitigation projects in advance of selling credits or develop more credits than required by initial payments. Permittee Responsible Mitigation (PRM) could also be done in advance if a project developer planned far enough in advance. (Nick Morgan)