

THE  
CONSERVATION FUND

# Mitigation Solutions: Compensatory Mitigation

Case Study: Indiana and Northern Long-Eared  
Bat In-Lieu Fee Program and Alternatives for  
Other Bat Species

---

**Nick Morgan, Director**

October 2, 2023



# Performance Driven

EFFICIENCY | CREDIBILITY | RESULTS

- America's Top-Rated Environmental Charity
- 96% of every dollar goes directly to our programs



- We've protected over **8.5 million acres** valued at more than **\$7.2 billion**

- 350 mitigation projects in over half the US states
  - Endangered species
  - Migratory birds
  - State/Federal land impacts
  - Historic/Cultural resources
- Over 375,000 Acres Conserved and/or Restored with \$200 Million



## Compare the Mitigation Options

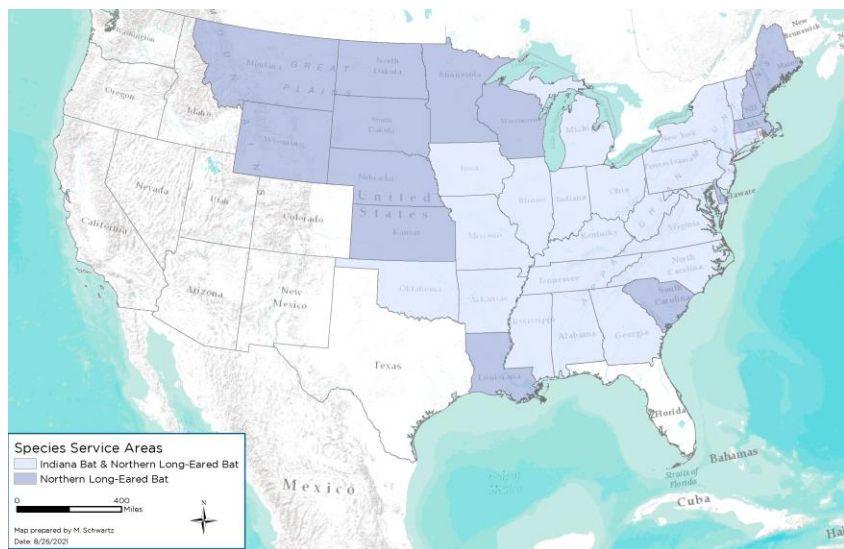
Mitigation Type	Responsible Party	Credit Based (Typically per Acre)	Responsibility Transferred
Conservation Bank	<ul style="list-style-type: none"><li>Typically For Profit Banker</li></ul>	Yes	Yes
In-lieu Fee Program	<ul style="list-style-type: none"><li>Non-Profit</li><li>Agency (State)</li></ul>	Yes	Yes
Permittee Responsible	<ul style="list-style-type: none"><li>Permittee (Developer)</li></ul>	No	Sometimes

## Compare the Mitigation Options

Mitigation Type	Advantages	Disadvantages
Conservation Bank	<ul style="list-style-type: none"><li>• Advanced development of credits</li><li>• No permittee responsibility</li></ul>	<ul style="list-style-type: none"><li>• Most efficient solutions</li></ul>
In-lieu Fee Program	<ul style="list-style-type: none"><li>• Best available solutions</li><li>• No permittee responsibility</li></ul>	<ul style="list-style-type: none"><li>• Sometimes delay for conservation</li></ul>
Permittee Responsible	<ul style="list-style-type: none"><li>• Flexibility for solutions</li></ul>	<ul style="list-style-type: none"><li>• Time delay for conservation</li><li>• Variable results for conservation</li><li>• Often long-term permittee responsibility</li></ul>

# In-Lieu Fee Mitigation: Indiana and Northern Long-Eared Bat

- Range-wide Bat In-Lieu Fee Program
- Mitigation for take (habitat or mortality)
- Mitigation obligation met once mitigation fee is paid
- Conservation benefit to bats by consolidating mitigation from multiple small impacts



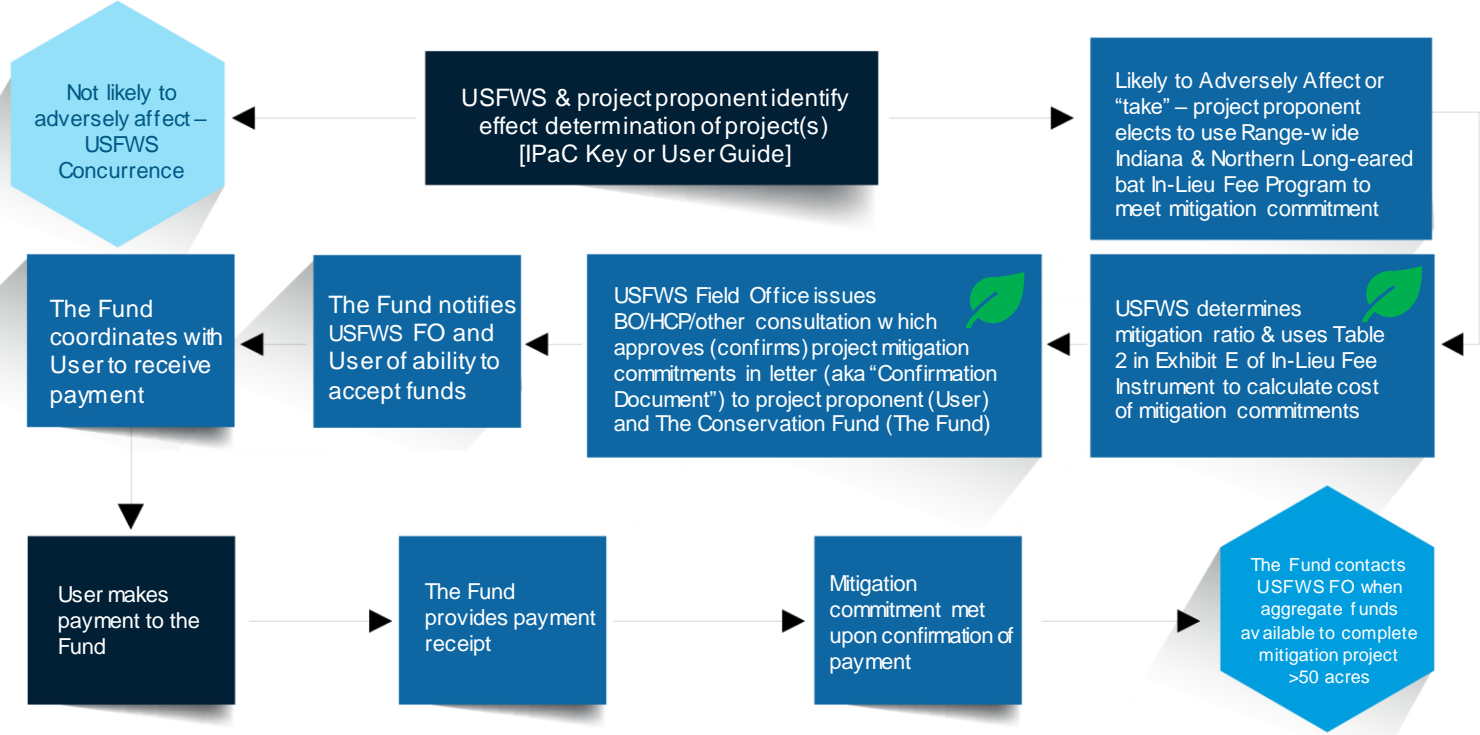


## Bat ILF Key Concepts

- Has been used for wind generation and habitat loss
- USFWS may allow research to satisfy mitigation obligation
- Must have Conservation Focus Areas identified

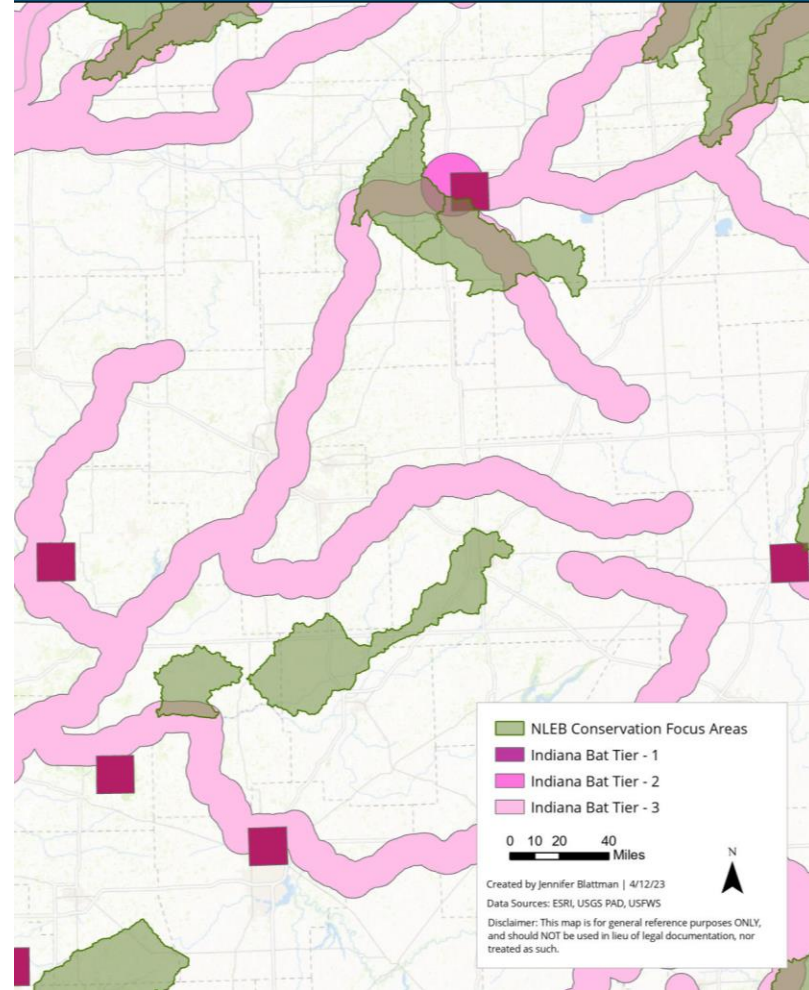


# Workflow for Use of Range-wide Bat In-Lieu Fee Program



## Conservation Focus Areas

- Mandatory for Service Area/State participation in program
- Service Area CFAs incorporate:
  - Summer habitat
  - Winter habitat





## ILF Complexities

- NLEB added complexity to program management
- Challenge with overlapping CFAs and stacking credits
- Poses a challenge for potential future listings



## Other Bats: Listed and Proposed



And likely more...

## How Can We Mitigation for Impacts to Multiple Species?

- General Conservation Plan for Multiple Species in NY, PA, and WV
- Section 10 ESA Permit
  - Permittee-Responsible Mitigation
  - TCF is working with USFWS on alternatives

**Current project to mitigate for clean energy development impacts to Indiana, northern long-eared, tricolored, little brown, and gray bats**





## Contact

Mitigation Solutions Contact:

Nick Morgan, Director  
[nmorgan@conservationfund.org](mailto:nmorgan@conservationfund.org)