

# HABITAT BANKING AND STATE WILDLIFE ACTION PLANS

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**A PROJECT OF THE  
WILDLIFE HABITAT POLICY  
RESEARCH PROGRAM**

# Purpose:

TO EXAMINE THE POTENTIAL OF WETLAND AND OTHER HABITAT BANKING MECHANISMS TO SUPPORT THE CONSERVATION OF PRIORITY WILDLIFE HABITATS IDENTIFIED IN STATE WILDLIFE ACTION PLANS

# WHAT IS BANKING?

THE OFF-SITE CREATION, RESTORATION, ENHANCEMENT OR PRESERVATION OF WETLANDS OR OTHER RESOURCES AS COMPENSATION FOR THE ANTICIPATED FUTURE LOSS OF SIMILAR RESOURCES ELSEWHERE

# QUESTION:

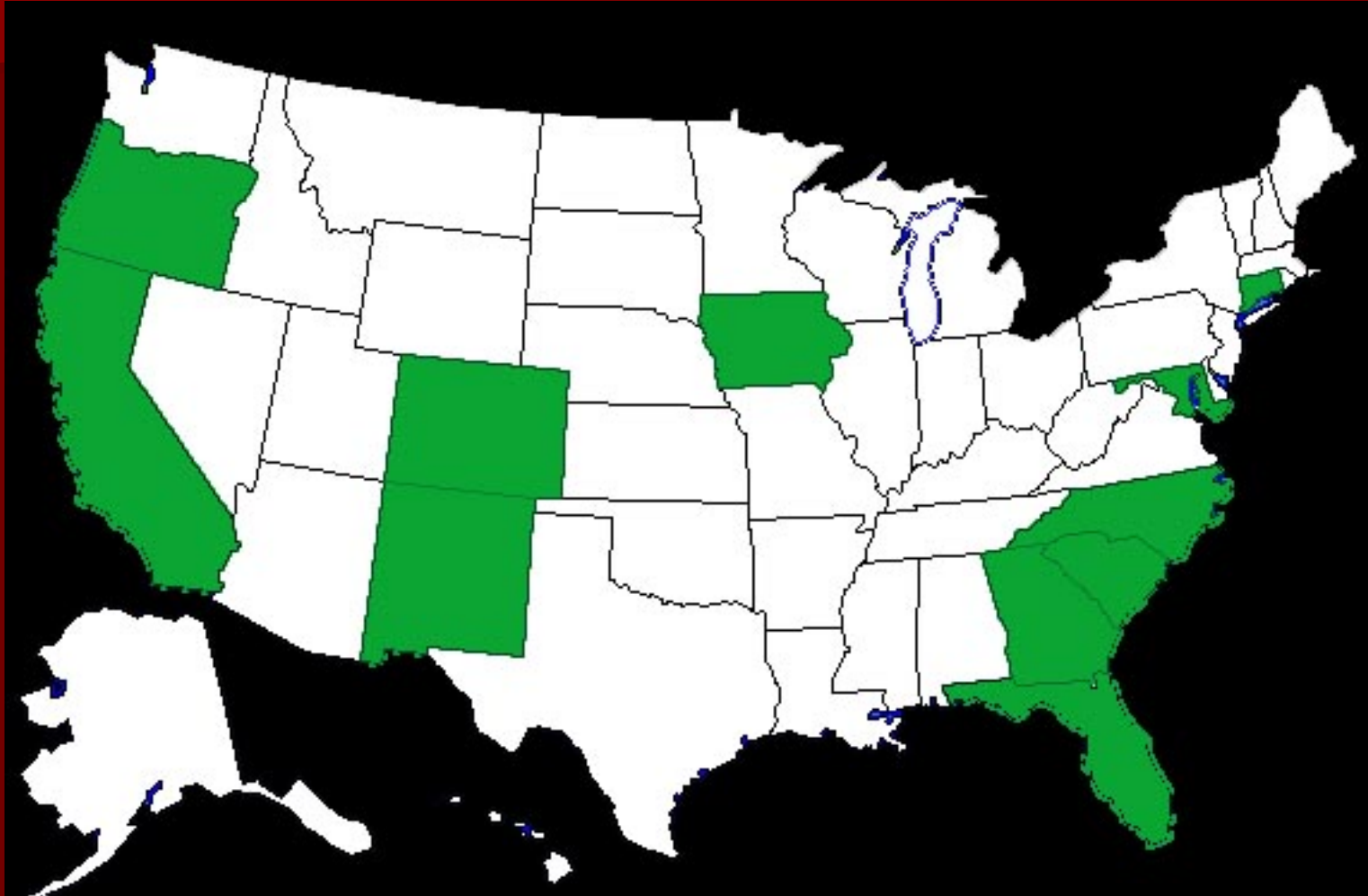
WHAT DO STATE WILDLIFE ACTION  
PLANS SAY ABOUT WETLAND OR OTHER  
HABITAT BANKING?

**ANSWER:**

**VERY LITTLE.**

**MOST NEVER MENTION IT**

# ONLY ELEVEN PLANS MAKE ANY REFERENCE TO BANKING:



## OTHER UNEXPECTED FINDINGS:

(1) STATE WETLAND PLANNERS WERE NOT ALWAYS CONTACTED IN PREPARING STATE WILDLIFE ACTION PLANS

(2) STATES WITH MANY WETLAND BANKS (E.G., OH, NY, AND VA) MADE NO MENTION OF BANKING IN THEIR WILDLIFE PLANS

## POSSIBLE EXPLANATIONS FOR THE LACK OF DISCUSSION:

- BANKING MAY BE TOO SPECIFIC FOR OFTEN VERY GENERAL PLANS
- BANKING MAY HAVE BEEN CONSIDERED AND REJECTED
- BANKING MAY HAVE BEEN OVERLOOKED

OREGON:  
THE ONLY PLAN WITH EXTENSIVE  
DISCUSSION OF BANKING

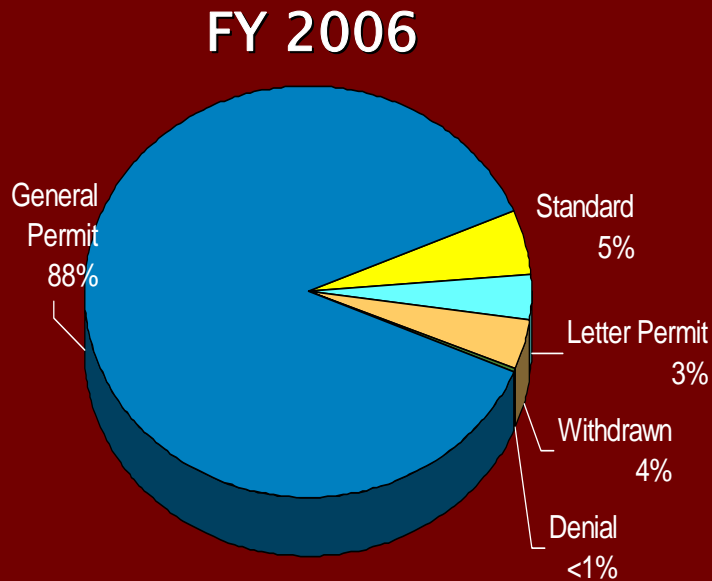
## THE OREGON PLAN:

- RECOMMENDS EXPANDING CONSERVATION BANKING
- CALLS FOR EXPLORING REGIONAL CONSERVATION BANKS TO BENEFIT PRIORITY SPECIES AND HABITATS
- SUGGESTS THE UTILITY OF GREATER FLEXIBILITY IN SITE SELECTION AND OUT-OF-KIND MITIGATION

# WHY BANKING?



# U.S. Army Corps Annual Permit Statistics



## Total Number Evaluated

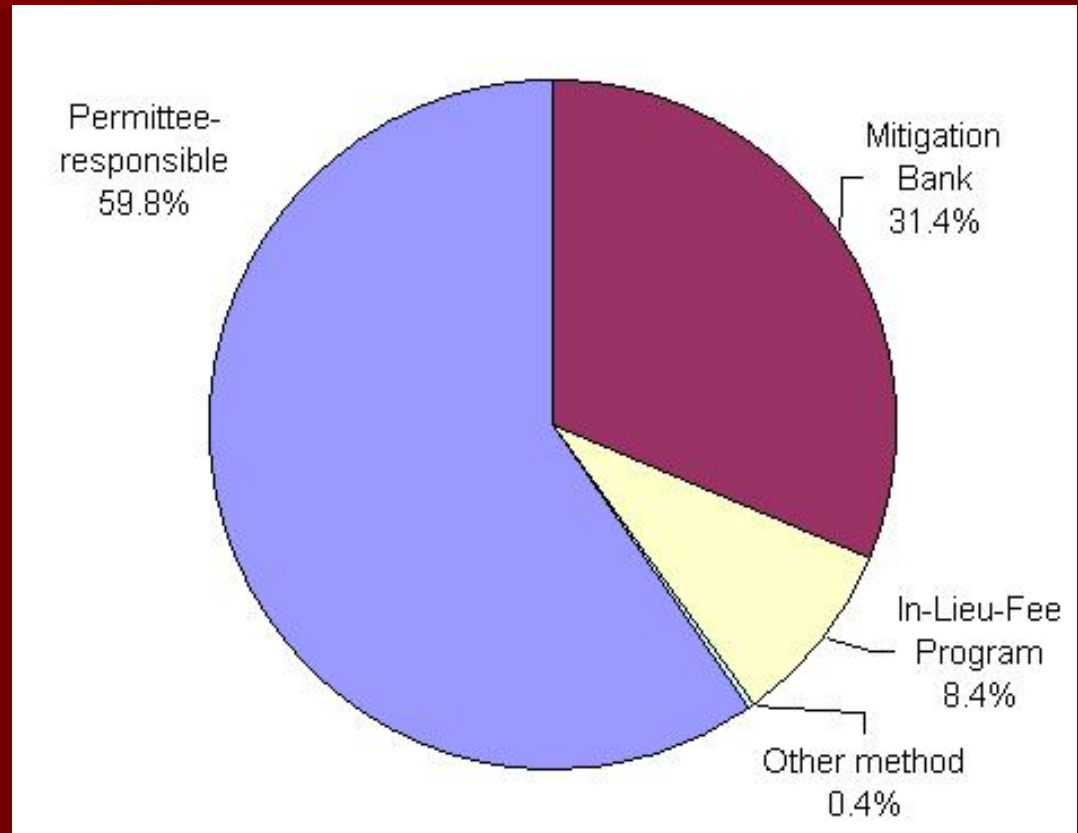
	FY05	FY06
Standard Permits	4,500	5,000
Nationwide Permits	40,000	42,000
Regional	45,000	46,000
Letters of Permission	3,000	3,500
Denials	300	200
Withdrawn	4,000	4,000
<b>TOTAL</b>	<b>92,500</b>	<b>96,500</b>

# Wetland Impacts and Mitigation FY 2000-2006

- Acres of wetland impacts per year:  
14,000-24,000
- Acres of mitigation required per year:  
38,000-56,000

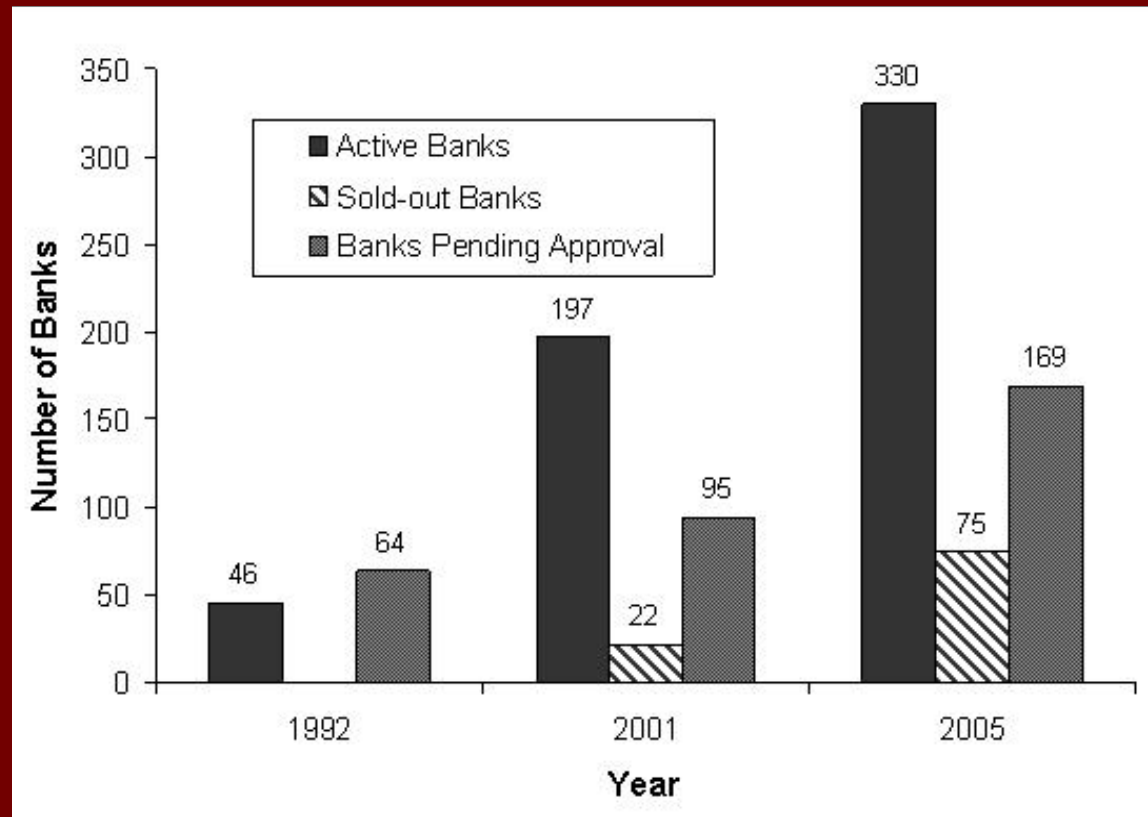
# Environmental Law Institute #5336

- Permittee Responsible
- Third-party
  - Mitigation banks
  - In-lieu fee mitigation



Environmental Law Institute. 2006. "2005 Status Report on Compensatory Mitigation."

# Banking is on the Increase



Environmental Law Institute. 2006. "2005 Status Report on Compensatory Mitigation."

# Estimated Annual Compensatory Mitigation Costs Under Federal Regulatory Programs

<i>Regulatory Program or Authority</i>	<i>Cost Estimate (in millions)</i>
<b>Clean Water Act § 404</b>	<b>\$2,947.3</b>
<b>Endangered Species Act § 10</b>	<b>\$370.3</b>
<b>Federal Natural Resource Damage Programs</b>	<b>\$87.7</b>
<b>Federal Power Act</b>	<b>\$210.3</b>
<b>Northwest Power Act</b>	<b>\$207.1</b>
<b><i>Total:</i></b>	<b><i>\$3,822.7</i></b>

Environmental Law Institute. Pending publication.  
“Mitigation of Impacts to Fish and Wildlife Habitat: Estimating Costs and Identifying Opportunities.”

# The Contribution of Banking to Wetland Preservation

- 14,000 acres a year
- \$1 billion a year



WHAT POTENTIAL DOES BANKING HOLD  
TO SUPPORT IMPLEMENTATION OF THE  
STATE WILDLIFE ACTION PLANS?

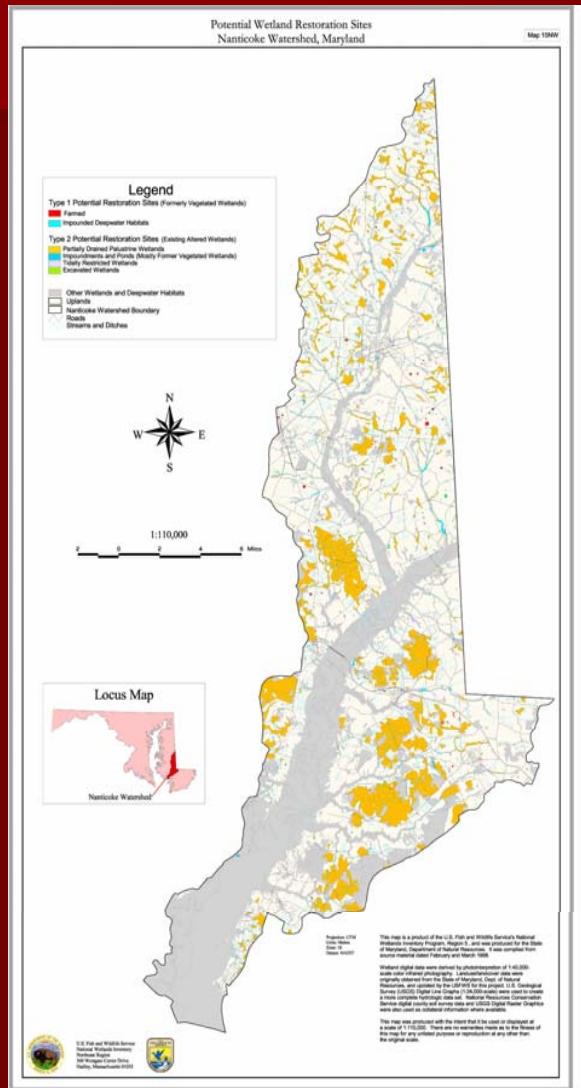
# Limitations

- Few state wildlife action plans identify *potential* wetland acreage
  - No net loss and preservation
- The Corps and MBRTs have little leverage to direct bank siting

# Opportunities

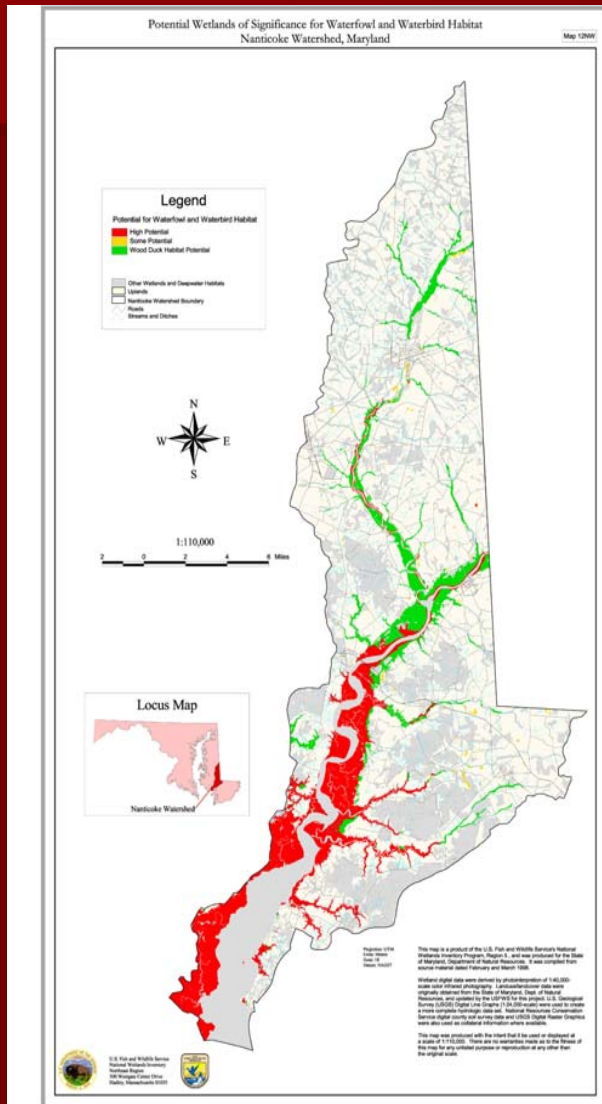
- Wetland mitigation banks can be sited in areas designated as critical wildlife habitat
  - 47 of the 50 plans (94 %) identify wetlands as key habitats
  - 37 of the 50 plans (74 %) include maps that identify wetland habitat
- The watershed approach

# The Watershed Approach



- Compensatory mitigation should consider “habitat requirements of important species”

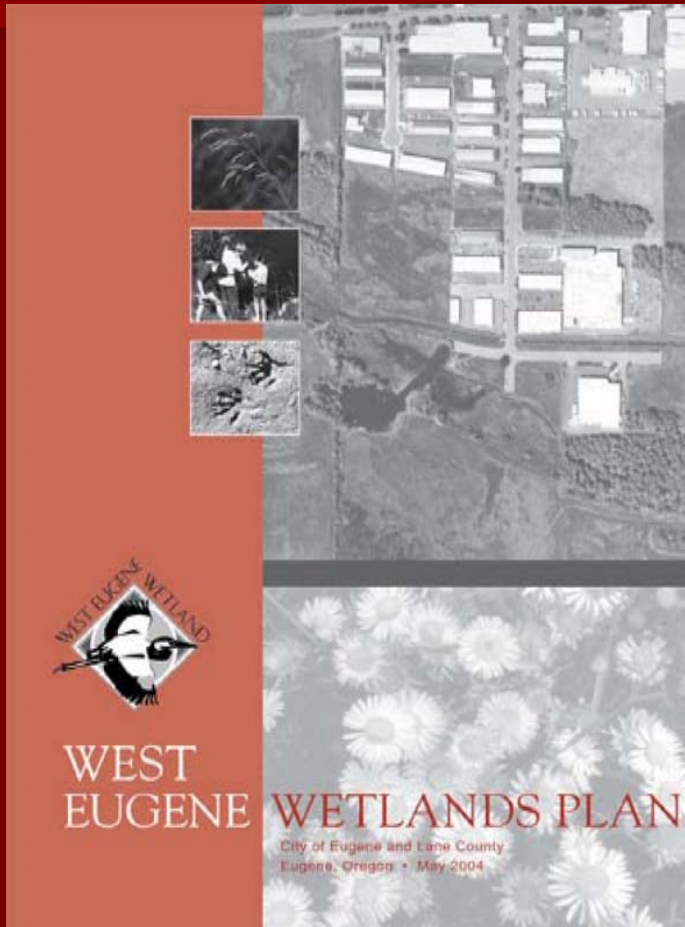
# The Watershed Approach



- Watershed-based decision-making should include information on “the presence and needs of sensitive species”

# The Watershed Approach

- A watershed approach should take into consideration state objectives



# Conclusions

- Plan updates: include existing and *potential or restorable* wetland habitat
- Plan updates: more fully consider the role that banking can play as a conservation action