



The Role of Land Trusts in Wetlands Mitigation

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Overview

- Roles for land trusts
- Key elements of a mitigation plan
- Things to Consider
- Questions



Roles for Land Trusts

- Program Sponsor
- Project Partner
- Long-Term Steward



Roles: Mitigation Sponsor

ILF Program Sponsor



The undeveloped 32-acre Fish Creek Estuary in Anchorage, Alaska.

Bank Sponsor



Old Fort Bayou Mitigation Bank managed by the TNC: Mississippi Chapter.

Solano Land Trust: Project Partner

- Implements projects on land owned in fee
- “Mitigation Program of the Solano Land Trust”
(solanolandtrust.org)



Solano Land Trust's King Ranch Preserve.



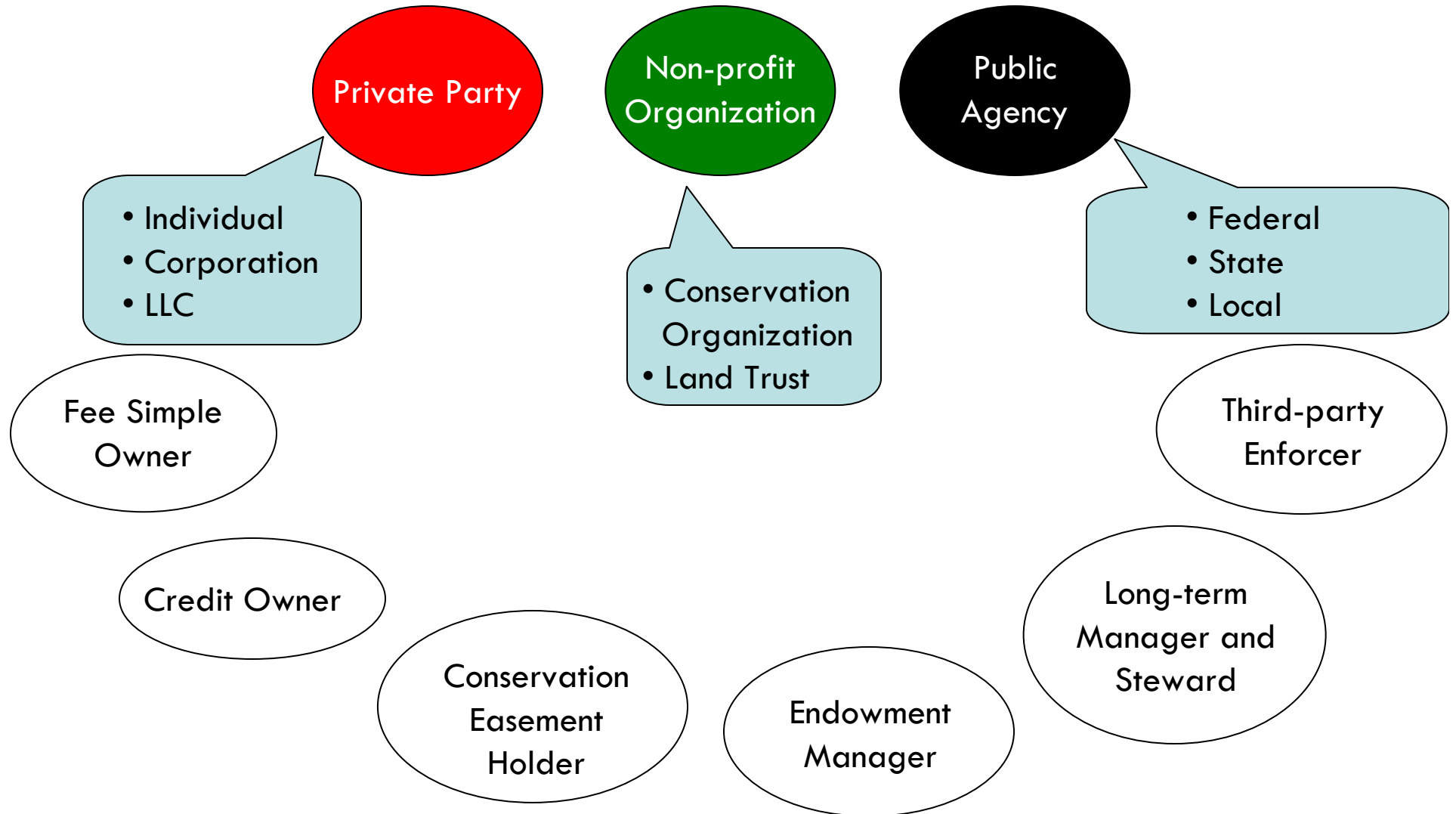
Congaree Land Trust: Long-Term Steward



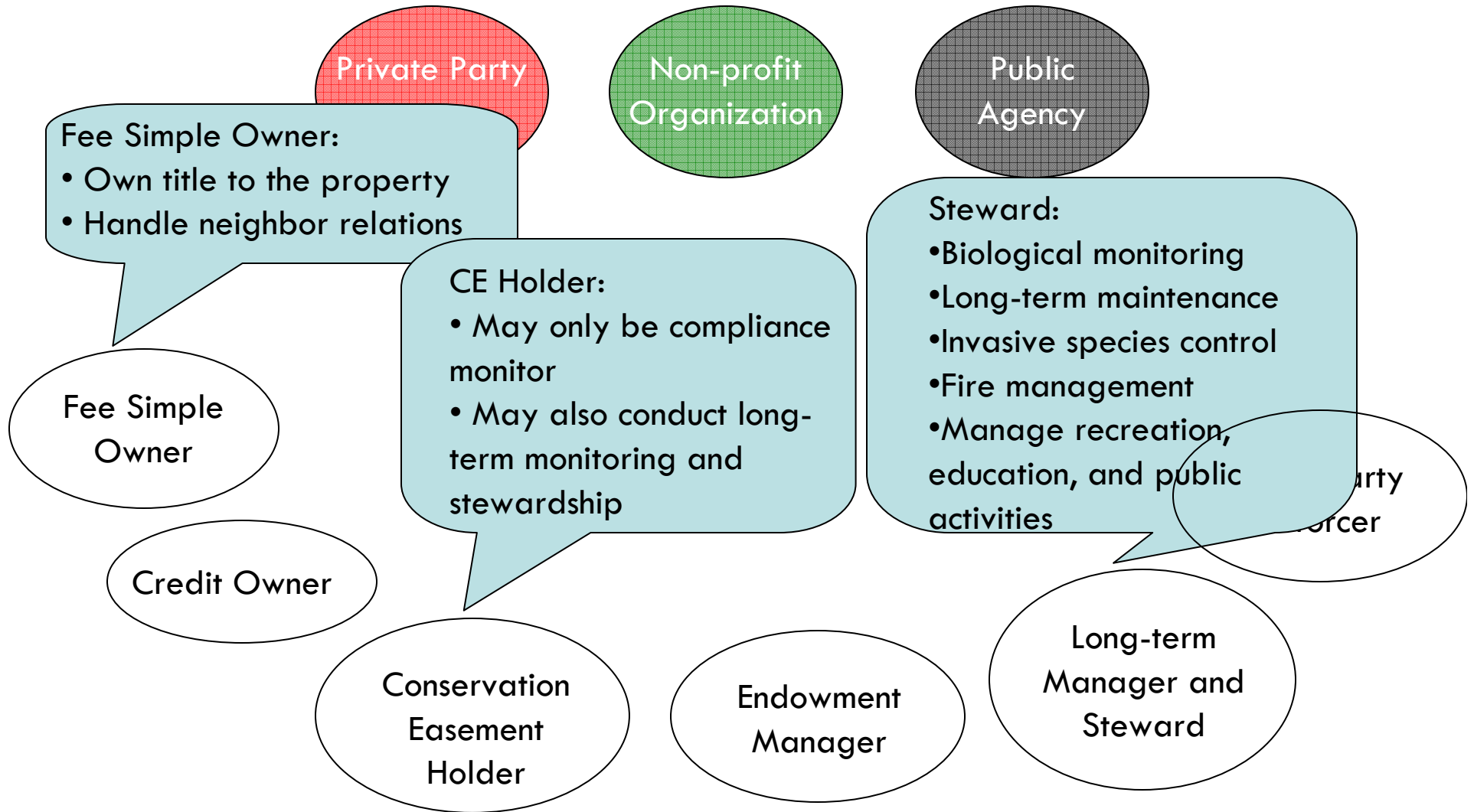
- 9 easements on wetlands mitigation sites
- Established partnerships with local land owners and agencies



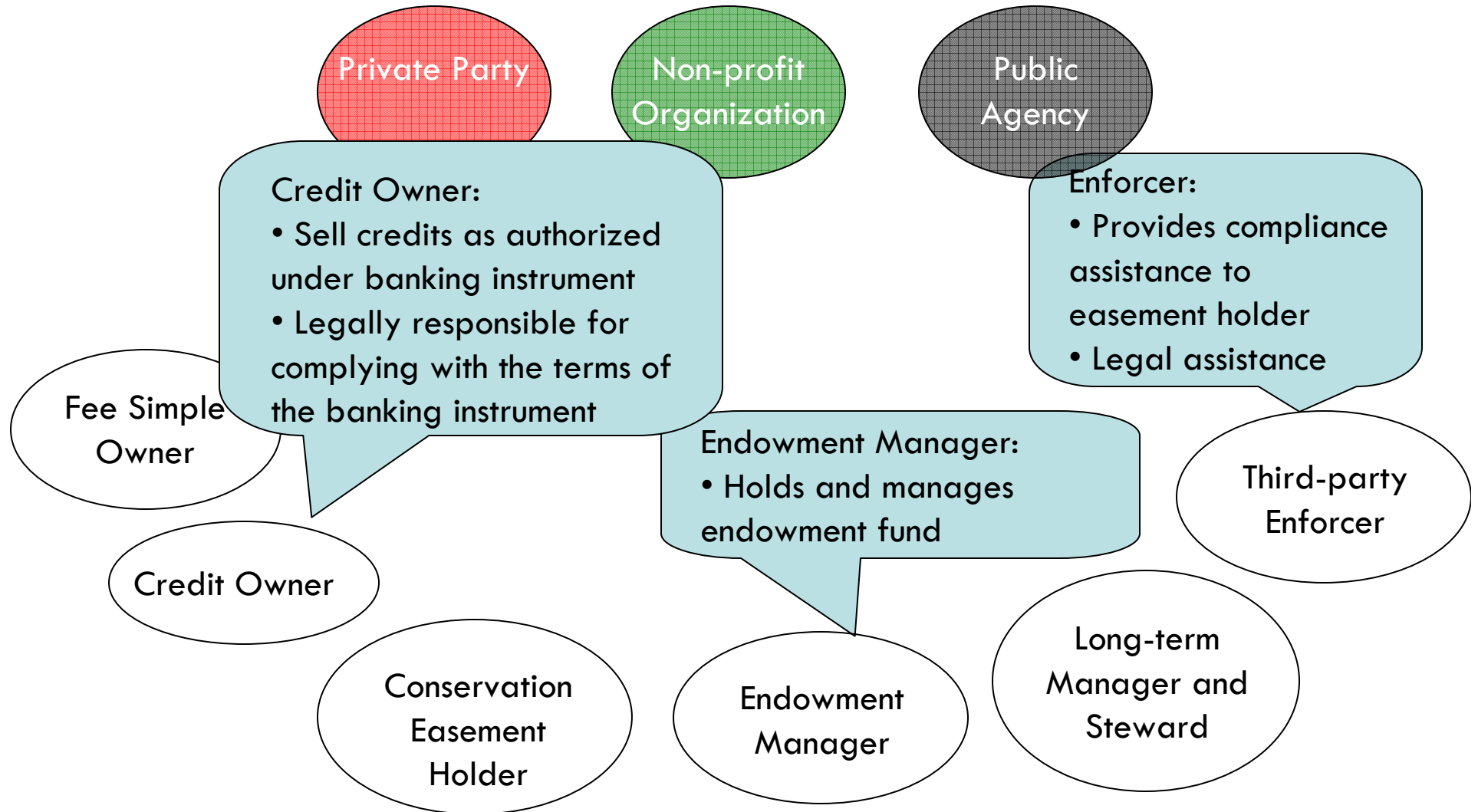
Roles in Long-term Stewardship



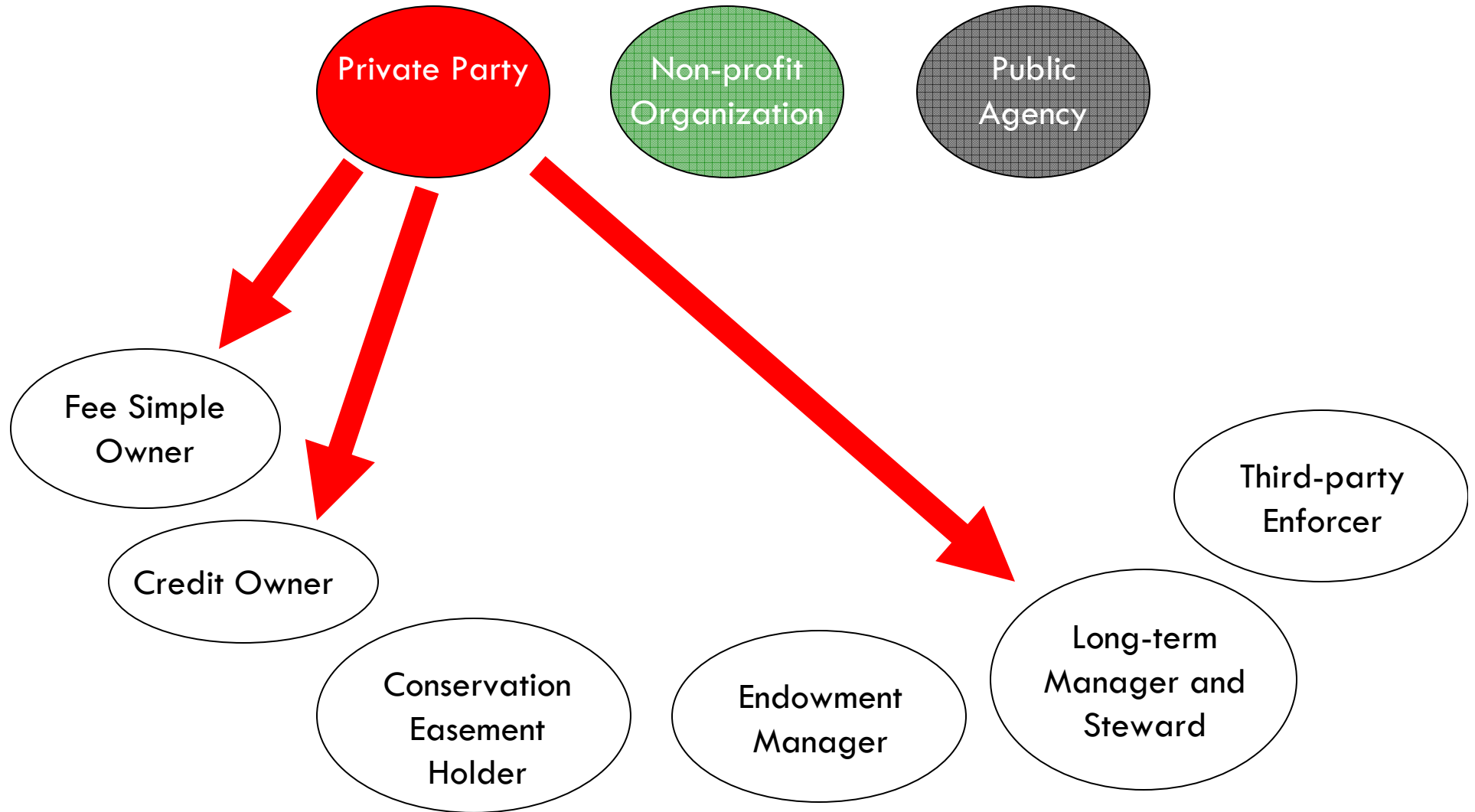
Roles in Long-term Stewardship



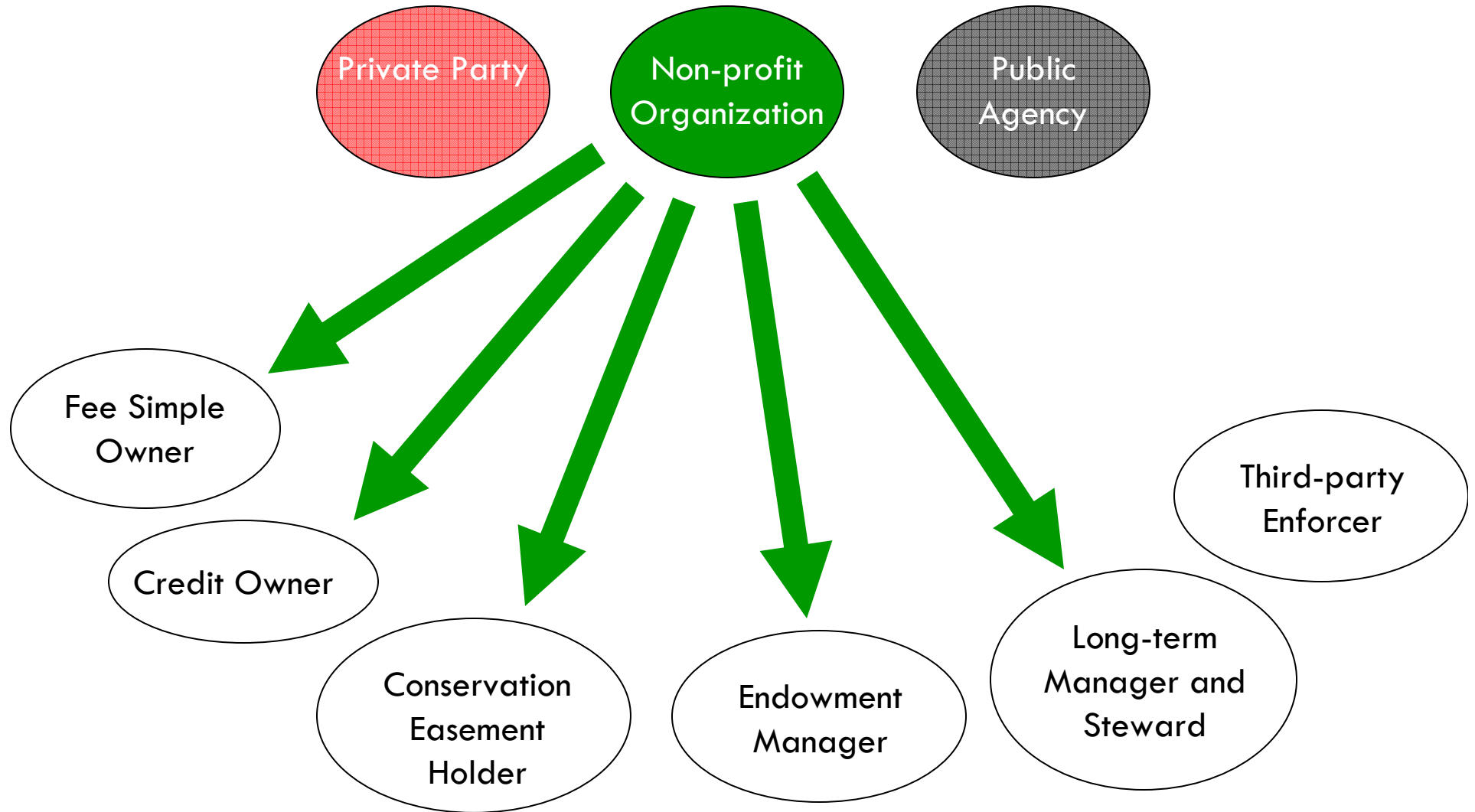
Roles in Long-term Stewardship



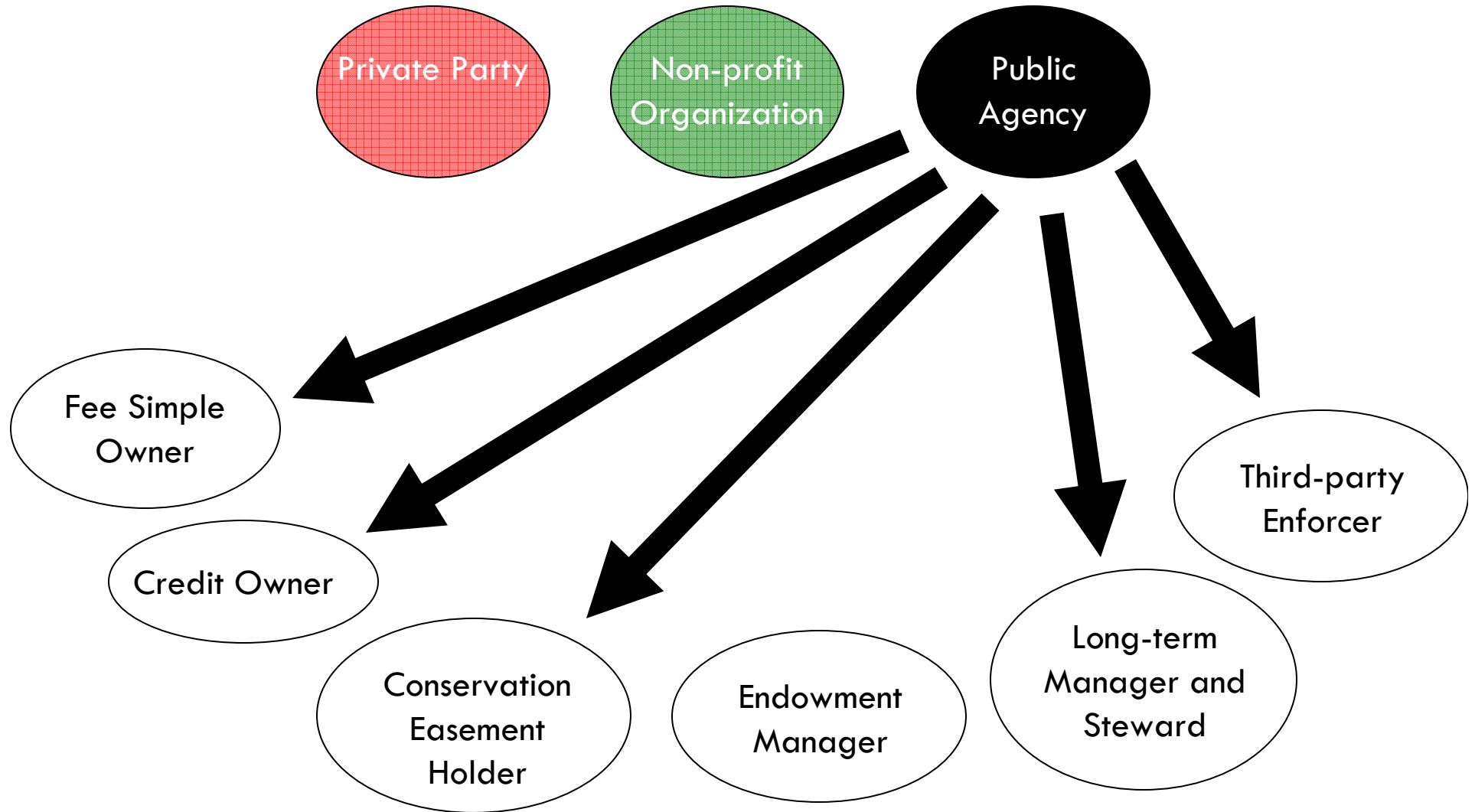
Roles in Long-term Stewardship



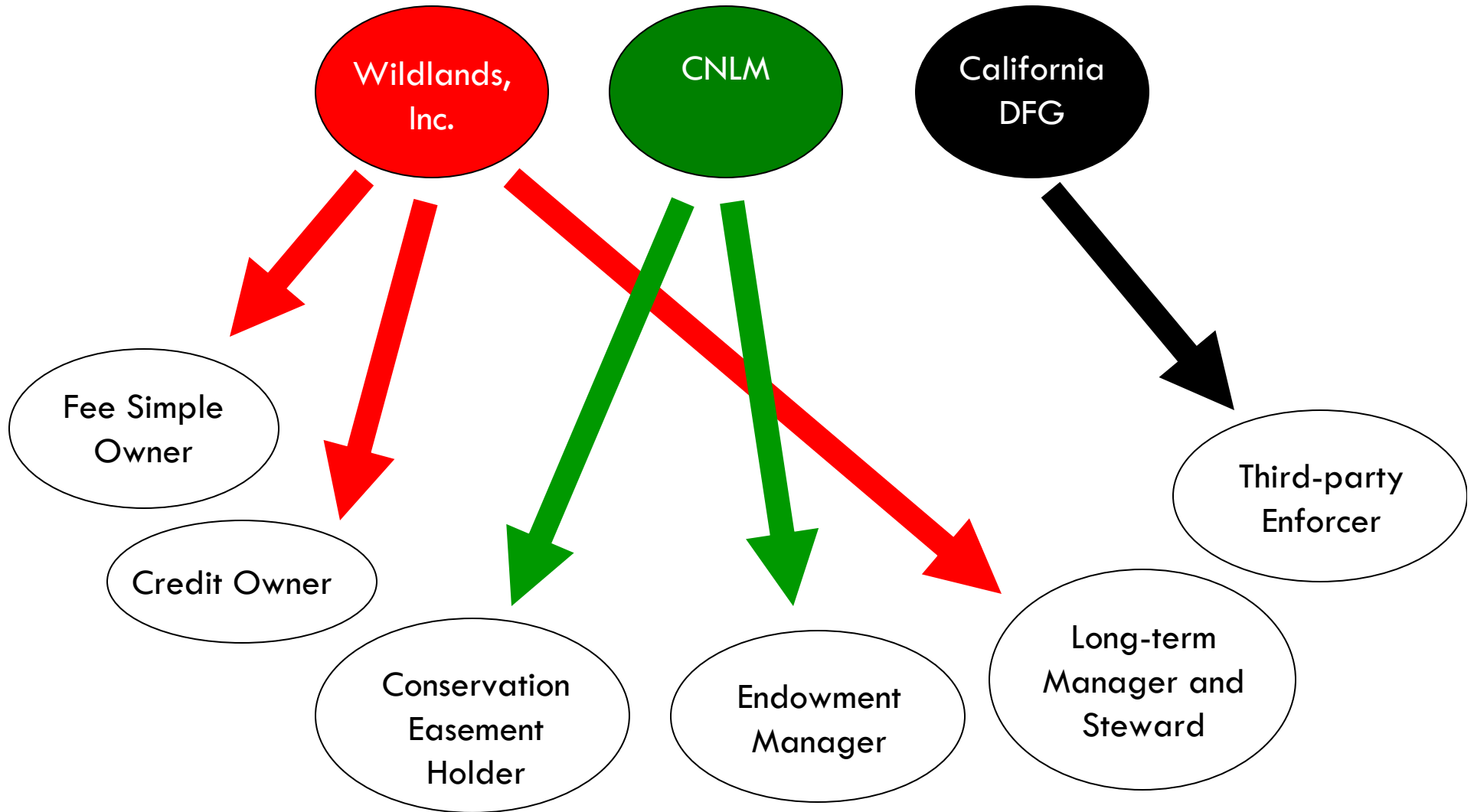
Roles in Long-term Stewardship



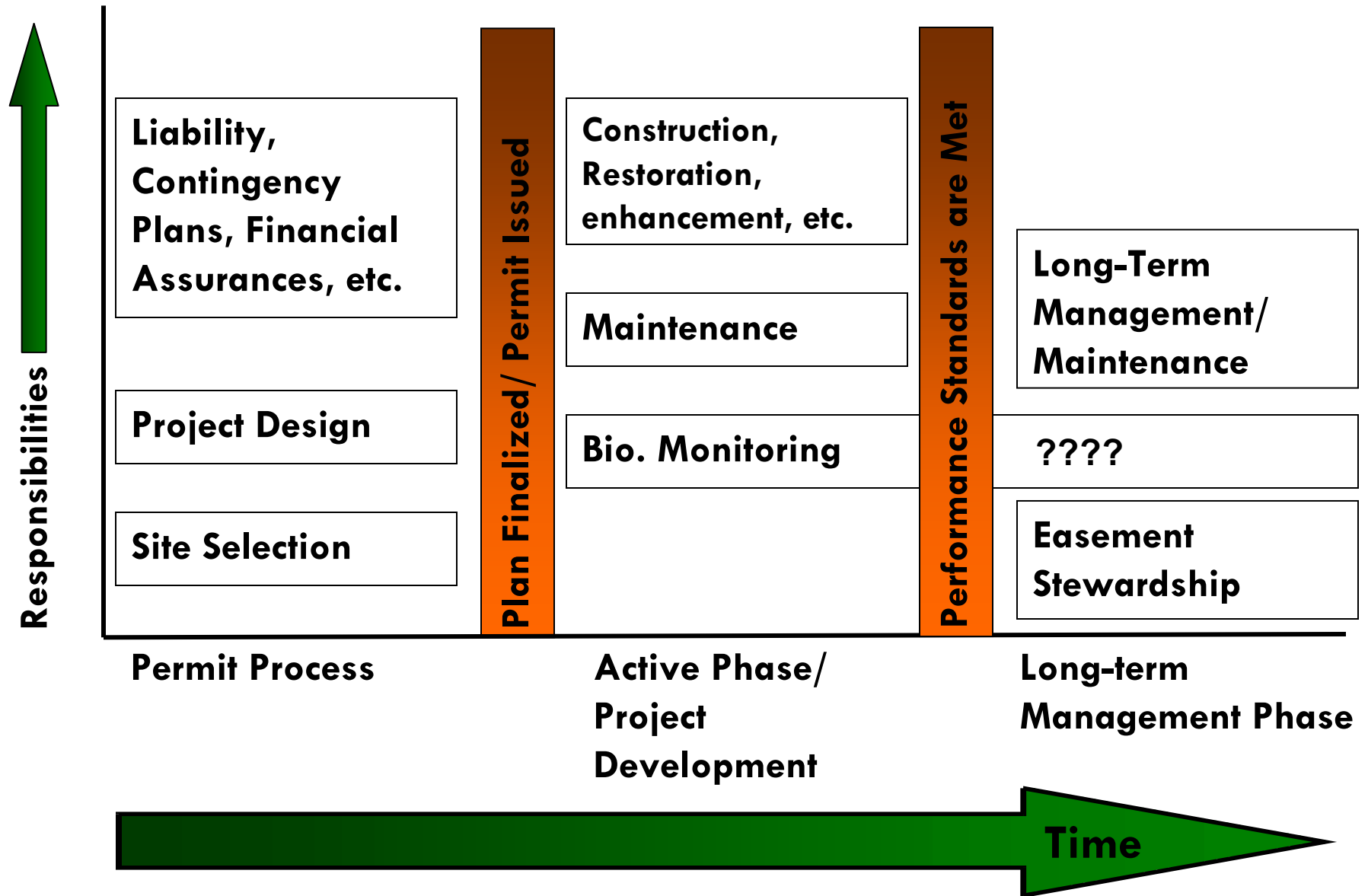
Roles in Long-term Stewardship



Example: Krayenhagen Bank



The Mitigation Timeline



Mitigation Project Plans

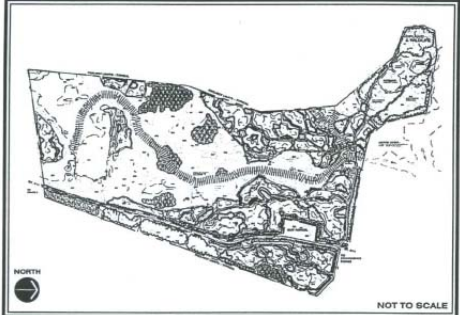
**VIRGINIA HABITATS II ENVIRONMENTAL BANK
BANK DEVELOPMENT PLAN**
CHARLES CITY COUNTY, VIRGINIA

MBRT AUTHORIZATION:
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
[Signature] 7-19-02
VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL PROTECTION AGENCY
REGION - 3

US FISH AND WILDLIFE SERVICE

SPONSOR:
VIRGINIA HABITATS II LLC
[Signature]



NOT TO SCALE

COE PERMIT: # 01- R1986

REVISIONS

07/01/02

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02 BANK SERVICE AREA
03 EXISTING CONDITIONS
04 LAND USE
05 BANK CREATION
06 AREA 1
07 AREA 2
08 AREA 3
09 AREA 4
10 MONITORING I WELLS
11 PLANT MATERIAL
12 GENERAL NARRATIVE

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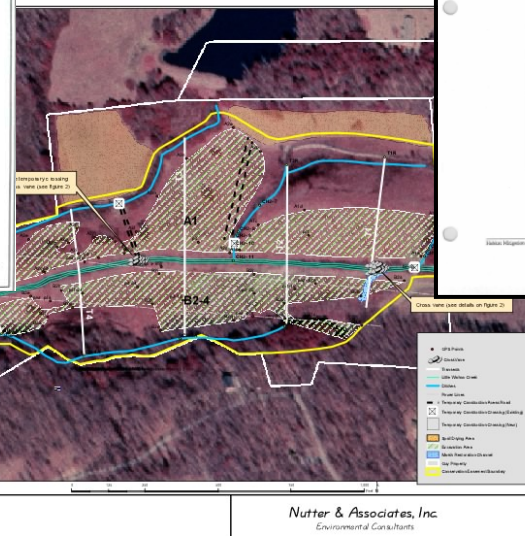


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Plan View

- 1 -

The permittee or bank sponsor is responsible for complying with all terms and conditions of the plan and would be in violation of their permit if the mitigation fails to comply with the approved plan.





Key Elements for Land Trusts

- Objectives
- Site selection
- **Site Protection Instrument**
- Baseline information
- Credit determination
- Work plan
- **Maintenance Plan**
- Performance Standards
- **Monitoring Requirements**
- **Long-Term Management Plan**
- **Contingency Plans**
- **Financial Assurances**





Site Protection Instrument

- Type of real estate provision
 - Title transfer
 - Conservation easement
 - Deed restriction
- The entity to whom the real estate provision will be transferred
- The date or milestone for transfer of real estate provision





Maintenance and Monitoring

- **Maintenance Plan**
 - Invasive species control;
 - Prevention or introduction of grazing;
 - Repair of habitat / stability structures.
- **Monitoring Requirements**
 - Parties responsible and their roles;
 - Data to be collected, how often and for how long;
 - Assessment tools to monitor progress towards performance standards;
 - Reporting format, frequency, & recipients;
 - Schedule.





Long-term Management Plan

- Long-term management objectives & requirements;
- Identify the entity to take over long-term management responsibilities from the sponsor;
- Source of funds for long-term management;
- Time frame for long-term management activities, if some are temporary.





Long-term Management

**THE BALLONA FRESHWATER WETLAND SYSTEM
OPERATIONS, MAINTENANCE AND MONITORING MANUAL**

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Contingency Plans

- Provisions for responding to unanticipated site conditions or changes
 - Outline remedial actions that each party will take under certain conditions;
 - Outline circumstances that might lead to modification of performance standards;
 - Outline circumstances that might obviate enforcement or remedial actions even if site is adversely impacted.





Financial Assurances

- Financial assurances may be required at two distinct stages of mitigation projects:
 - Contingency funds – during the “active phase” of the mitigation project or bank, typically until either the end of the monitoring period or after all credits have been sold, respectively.
 - Long-term management funds – after the mitigation project is established (end of requisite monitoring period) or after the mitigation bank’s credits have been sold.





Long-term Management Funds

- Agreement/contract between permittee or bank sponsor and the easement holder:
 - Financial assurance mechanism;
 - Entity the trust fund will be transferred to;
 - Date or milestone for transfer of the funds;
 - Schedule by which financial assurance may be reviewed and adjusted;
 - Limitations on how the funds can be spent.





Finding the Key Elements

Permittee-Responsible Mitigation

- In the permit itself;
- Included as an attachment to the permit; or
- In a plan yet to be submitted.

Mitigation Bank

- Mitigation Banking Instrument (MBI).

In-Lieu-Fee Mitigation

- In-Lieu-Fee Agreement/Instrument; or
- Individual project plans/proposals.





Things to Consider

- Organizational Stability
- Mission/Board of Directors
- Financial Soundness
- Ability to Perform
- Staff Capabilities and Credentials





Things to Consider

- Political 'leanings' and involvement
- Professionalism





Questions?

Photo by Dwight Hiscano