



## Northern Utah In-Lieu Fee Wetland Mitigation Program

Feasibility 'analysis'

November 2019

# Agenda

- Feasibility ‘analysis’ of UTF0 to sponsor a new program tied to a regulatory program
- Wetland mitigation and In-Lieu Fee (ILF) programs background
- Example of TNC Virginia Aquatic Resource Trust Fund ILF
- Front end loading of setting up program
- Where we are now

# Feasibility 'analysis' for ILF Program

## UTFO

- Program elements – what do we really have to do?
- What are we committing ourselves to?
- Who will be involved? What effort will they extend?
- Resource – wetlands and streams/rivers –
- Is there a need?
- Will the Program benefit the resource?
- Will another NGO or state agency do it?

# Wetland Mitigation 101

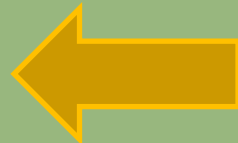
Federal and state laws protect waters of the US

- Clean Water Act – Section 404/401
- Rivers and Harbors Act – Section 10
- Virginia Water Protection Permit regulation
- Utah Stream Alteration Permits

Impacts to waters (wetlands and streams) are regulated and must be permitted

Applicants must complete the mitigation hierarchy

- Avoid
- Minimize
- Compensate



ILF and Mitigation Banks

# Types of Compensation



*Impacts through development*



*Compensation through restoration*

- Mitigation banks
- In-lieu fee programs
- Permittee responsible

# Mitigation and TNC?

- TNC involvement with the ILF Programs are mechanisms to direct mitigation to ecologically important areas.
- Funding for conservation
- Raise the bar for mitigation

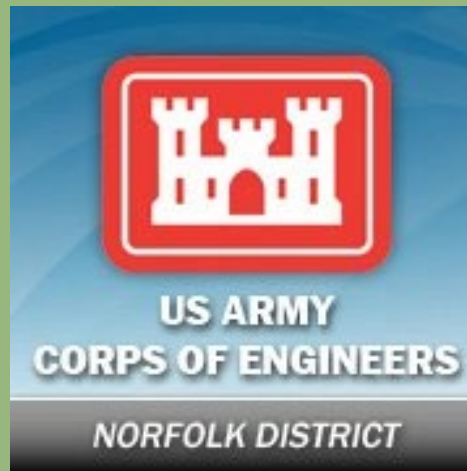




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# What exactly IS the Trust Fund?

Cooperative program between TNC, USACE and DEQ which establishes a mechanism to provide compensatory mitigation for wetland and stream impacts through an in-lieu-fee agreement

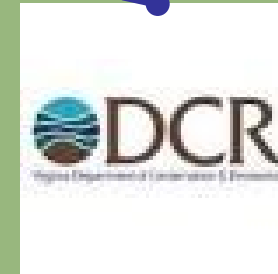


# 2011 Virginia Aquatic Resources Trust Fund

- Response to 2008 Federal Mitigation Rule



## VARTF – Program Instrument



# Building Capacity and Expertise



Karen  
Johnson  
Director of  
Wetland and  
Stream  
Mitigation

Ecologically preferable site selection

Stream and wetland restoration

Scientific monitoring and analysis

Database and systems management

Mitigation program development and  
administration

Land management

Contract and consultant management



Suzy  
Sidharta  
Conservation  
Coordinator

Diane  
Frisbee  
Stream  
Projects  
Manager



Chris  
DuBois  
Restoration  
Coordinator



Shania  
Huynh  
Field  
Ecologist



Alex Fisher -  
Field Ecologist

Kati Booth  
Wetland  
Restoration  
Specialist



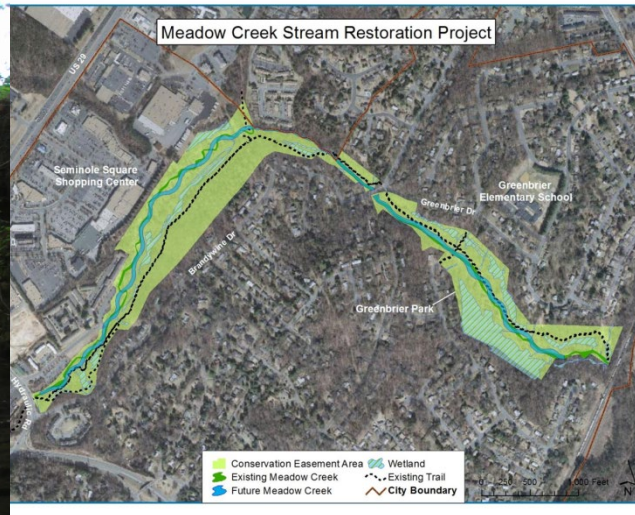
# Trust Fund Staffing

Additional TNC staff work on Trust Fund project at various stages but are not funded by the Trust Fund

- Government Relations Director
- Conservation Coordinator (the other half)
- Chapter Attorney, paralegal
- Grants Specialist, Media/Marketing Specialist
- Protection staff and landscape directors
- VA Chapter Director
- HR, Accounting and Office managers
- GIS Staff

# Program Operation

TNC's Role – Program Sponsor - identify, propose, implement projects



Program funds are used to cover ALL costs associated with each project

Restoration

Long-term  
stewardship

Acquisition

Management

# Program Operation

Agency's Role – IRT – review and approval



Funding requests

Legal protection

Program  
establishment

Mitigation plan and credits

# Program-wide Leverage

## Program-wide Leverage through 2018

Resource Type	Impacts	Restored	Preserved	Total Protected
Wetlands (ac)	<u>311.5</u>	<u>659</u>	<u>3982</u>	4641
Tidal Wetland (ac)	<u>12.00</u>	<u>72.0</u>	<u>366</u>	438
Stream (l.f.)	213,224	91,980	651,172	743,152
Upland/Riparian Buffer (ac)	N/A	630	4,683	5,313
Additional Protected (ac)	N/A	N/A	10,123	10,018
<b>Total (acres)</b>	<b>324</b>	<b>1361</b>	<b>19,154</b>	<b>20,515</b>
<b>Total (linear feet)</b>	<b>213,224</b>	<b>91,980</b>	<b>651,172</b>	<b>743,152</b>

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# Conservation Highlights



# Working with Partners

- Identified as priority projects by our partners - – suitable for restoration and preservation
- Trust Fund used as available funding source
- Land Trusts
- Cities and Counties
- Parks Departments
- Local interest/watershed groups
- Federal agencies
- State agencies



# Program Highlights – Agency Use

- 5 – Natural Area Preserves
- 4 – Deed of Dedication



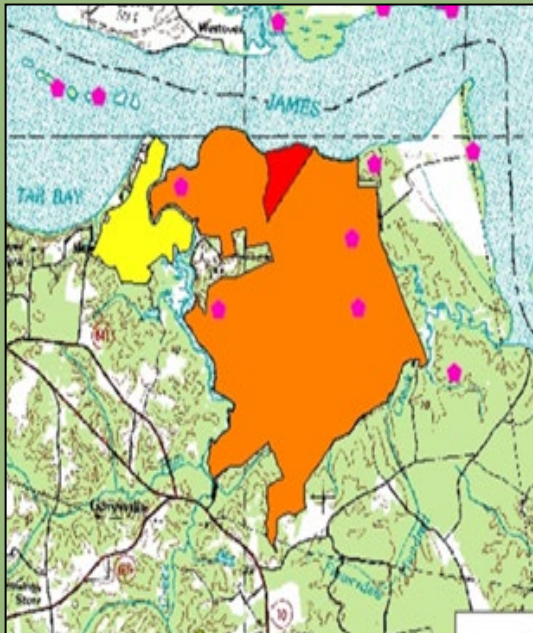
- 2 – acquisition of NWR lands
- 2 – funded FWS easement acquisition



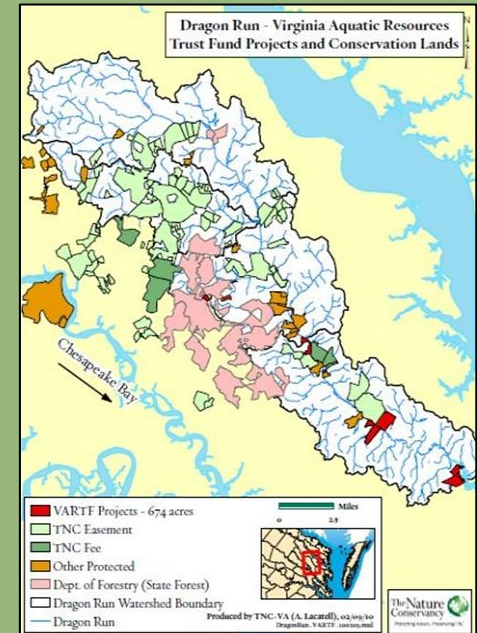
- 5 – Transferred to DOF



- 2 – sites planned for transfer to DGIF
- 1 funded easement co-held by DGIF



- 2 sites sold to NPS for inclusion in Parkway
- 1 project planned for transfer upon completion of restoration



# Virginia Aquatic Resources Trust Fund

## Funding Source

- TNC Protection projects
- Conservation partners

## Regulatory Obligation

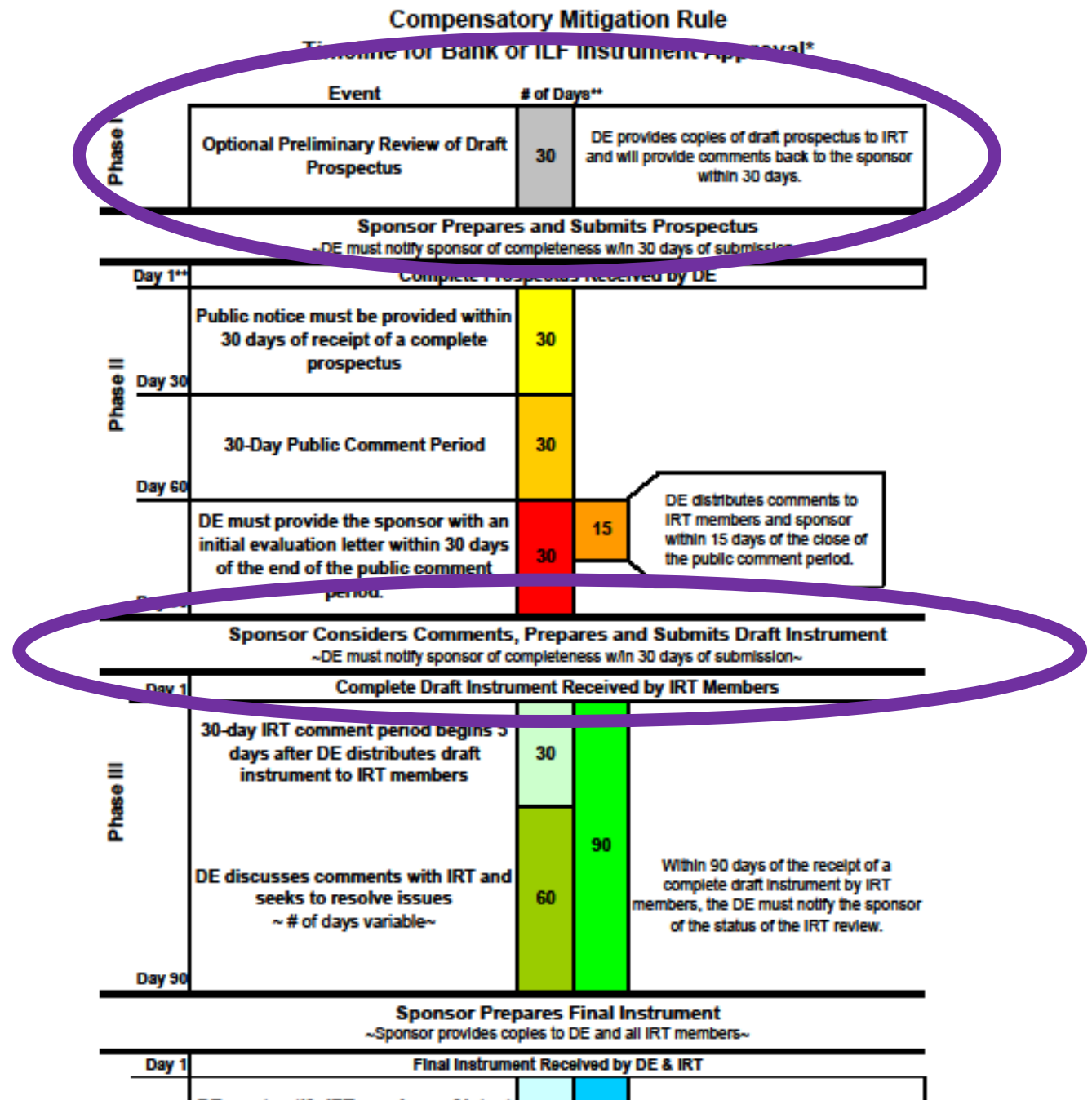
- Corps oversight and approval
- State and federal agency stakeholders
- Planning and reporting requirements

## Long-term Commitment

- Restoration monitoring
- Easement or preserve stewardship
- Corrective action



Where we  
are in the  
process



# Program guidelines and Interagency Review Team

## Mitigation Guidelines for Prospectus and Comprehensive Planning Framework (CPF)

- Who?
- Where?
- Some how?

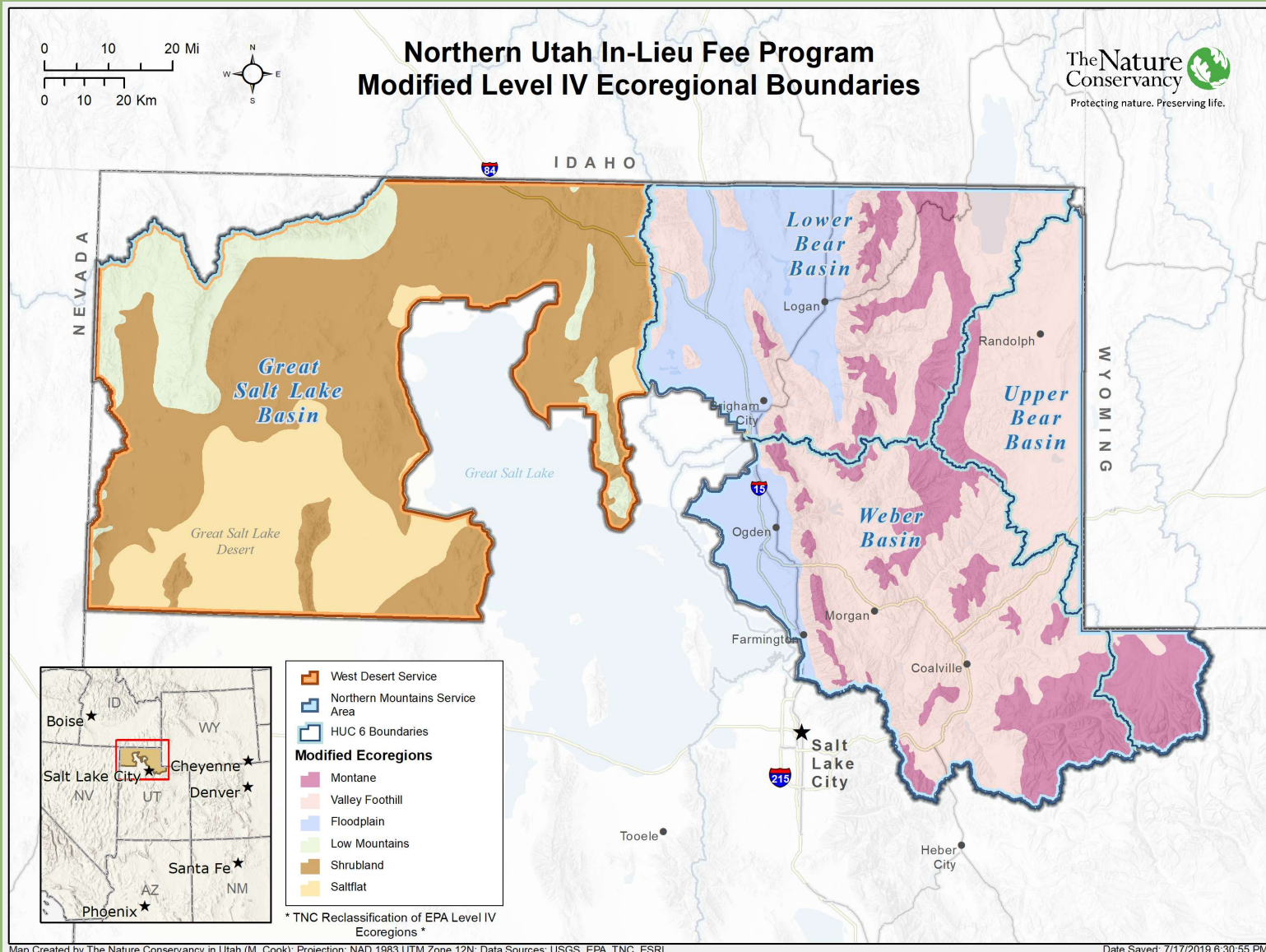
Corps choses Interagency Review Team (IRT) to **advise** the process

- Corps, USEPA, USFWS, Utah Divisions of Water Rights, Environmental Quality, Wildlife Resources, Forest Fire & State Lands

## Mitigation Guidelines for ILF Instrument (contract with Corps)

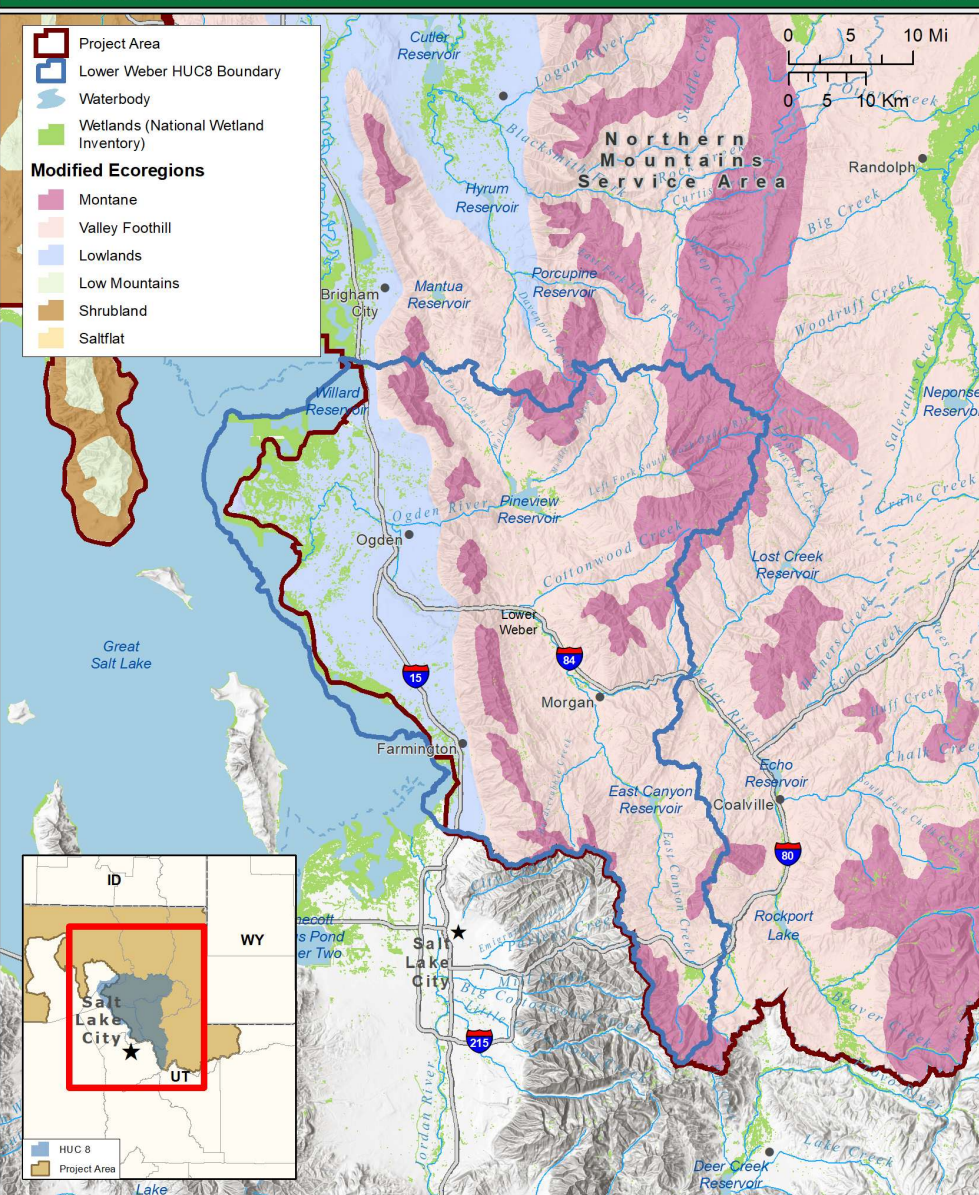
- Specific how?
- When?

# Front End Loading of Program Start up



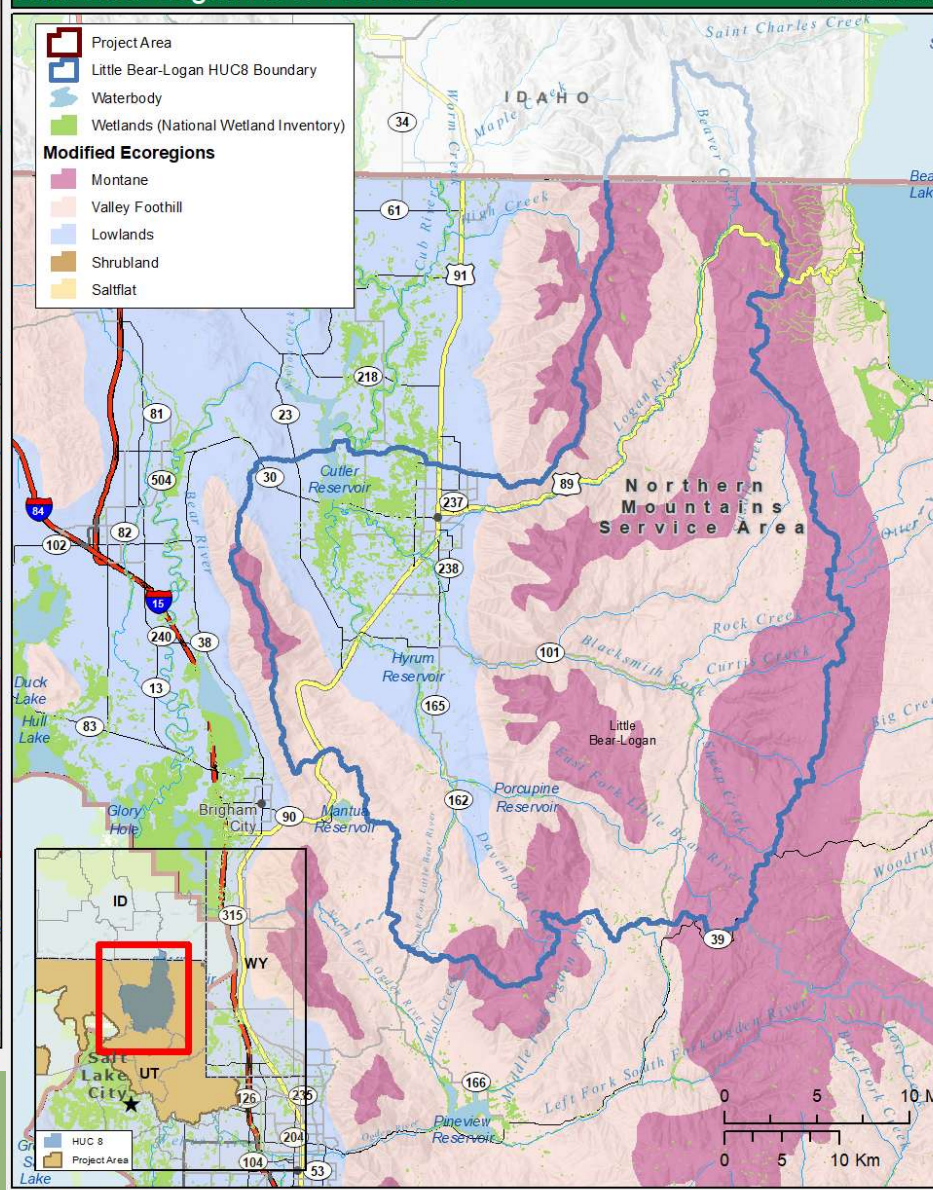
# Northern Utah In-Lieu Fee Program

## Lower Weber HUC 16020102



# Northern Utah In-Lieu Fee Program

## Little Bear-Logan HUC 116010203



# Utah – Catalyst for Change

Kickstarting the process

Only 50% of states in the US are consistently requiring or implementing stream compensation

Agency  
Support and  
Benefit

Export to other areas through Utah – by TNC or others

Provides agencies method for achieving compensation

# In-lieu Fee Benefits

## Program

- Direct mitigation funding to ecologically important areas
- Provide restoration and protection opportunities where they currently do not exist
- Lasting results with measures of success and monitoring
- Scalable conservation outcomes that generate healthy ecosystems and wildlife habitat
- Aggregating small losses to create a positive impact at a scale that matters
- Catalyst for change – raising the bar for mitigation and restoration throughout Program area.

## Project

- Conservation driven site selection
- Habitat improvement and restoration
- Improved water quality, reduced flood risk, erosion prevention
- Partner projects completed
- Individual site and project protection and improvement management

# In-lieu Fee Risks

## UTFO

- Capacity. Added employees and/or contractors
- Potential to work outside of areas prioritized by UTFO.
- Smaller projects as program builds, responds to mitigation needs
- Regulatory requirement for active land management – long term
  - Encroachment and trespass
  - Other requirements determined by IRT

## Resource

- Functionality of Program
  - LOW RESPONSE - Few impacts and low credit sales do not generate sufficient funds to implement projects
  - HIGH RESPONSE– Flood of use, impacts and credits sales creates significant and larger than anticipated demand for project implementation and program management
- Sustainability - Uncertainty of climate change to keep projects viable
- Changes in national Policy

# What the Northern Utah ILF could look like in 20 years?



# 2018 Annual Activities

## Virginia Aquatic Resources Trust Fund Activities in 2018

### New Project Development - 10

In 2018, VARTF developed 10 new projects. These projects protect 320 acres. These projects are expected to generate 23,100 credits including 60-61 wetland credits and over 23,000 stream credits. These projects include 150 acres and 6,000 linear feet of restoration/enhancement, livestock exclusion and 180 acres and 4,800 linear feet of preservation.



Branscome project

### SDP Submitted - 3

In 2018, VARTF submitted Site Development Plans for 3 projects. These projects protect 340 acres. These projects are expected to generate 8,100 credits including 44 wetland credits and 8,050 stream credits. Project activities include 60+ acres and 4,500 linear feet of restoration/enhancement, livestock exclusion and 280 acres and 2,000+ linear feet of preservation.



Wells project

### Project Timeline



### SDP Approved - 2

In 2018, the Interagency Review Team approved Site Development Plans for 2 projects. These projects protect 445 acres and are expected to generate 3,432 stream credits. Project activities include 15+ acres of restoration, over 8,000 linear feet of livestock exclusion and 400 acres and 18,000 linear feet of preservation.



Bowen project

### Monitoring - 9

In 2018, VARTF monitored 9 projects. Projects ranged from early (3 projects in Year 2) to middle (2 projects in Year 5) to final (4 projects in Year 10). These projects protect 1,174 acres. Project activities include 145 acres and over 15,000 linear feet of restoration, 4 acres and 1,600 linear feet of enhancement, livestock exclusion and 1,020 acres and 26,000 linear feet of preservation. These projects are expected to generate 6,125 credits including 165 wetland credits and 5,960 stream credits.



Phipps project

### Credit Release - 15

In 2018, the Interagency Review Team approved credit release requests for 15 VARTF projects. A total of 4,527 credits were approved for release including 0.5 tidal wetland, 68 non-tidal wetland, 4 SAV, and over 4,000 stream credits.



Cumberland Marsh project

### Closure - 12

In 2018, VARTF officially closed 12 projects. These projects protected 880 acres. 1,070 credits were released from these sites including 55-56 wetland credits, 1,000 stream credits and 4 SAV credits. Project activities included 70 acres and 1,300 linear feet of restoration, livestock exclusion and 700 acres and 16,000 linear feet of preservation.



Swartz project

NOTE: Numbers in project descriptions may not match what is shown on the map because projects may include multiple activities.

