

U.S. Fish & Wildlife Service Easements in North Dakota



Conservation in the Prairie Pothole Region

- The Prairie Pothole Region (PPR) supports 50% of North America's upland duck production but covers only 10% of North America's land.
- In the 1940s and 1950s, studies documented widespread wetland drainage in the Prairie Pothole Region (PPR) and the impacts to waterfowl



Wetland Easements – Legislative History

- In 1958 the Migratory Bird Hunting Stamp Act was amended authorizing the FWS to acquire *small wetland and pothole areas* to be designated as Waterfowl Production Areas.
- In 1961, the Wetlands Loan Act provided \$105 million to promote conservation of migratory waterfowl and “...to offset or prevent the serious loss of important wetlands and other waterfowl habitat...”



Linking Biology to Authorizing Legislation

Why the focus on small wetlands?

- Small wetlands result in more breeding pairs of waterfowl (e.g. Drum et al. (2015); Kantrud et al. (1977))
- Small wetlands provide more suitable foraging habitat because they are shallow and productive (Van der Valk (2012)).
- Small wetlands result in greater abundance and breeding success of waterfowl per acre than larger wetlands.(e.g. Krapu et al. (2000); Pietz, et al. (2003); Carrlson, et al. (2018))



Wetland Easements and Waterfowl Conservation

- Over the past 60 years, approximately 1.6 million acres of wetlands have been protected in the Prairie Pothole Region.
- Wetland easements restrict the rights to Drain, Burn, Fill, and Level protected wetland areas
- In ND, ~ 15,500 wetland easements which protect ~998,000 acres of wetland areas



Grassland Easements and Waterfowl Conservation

- Over the past 30 years, approximately 1.8 million acres of grasslands have been protected in the Prairie Pothole Region.
- Grassland easements restrict the alteration/destruction of grasslands and restrict mowing/haying before July 15th of each year.
- In ND, ~ 1,600 grassland easements which protect ~571,000 acres

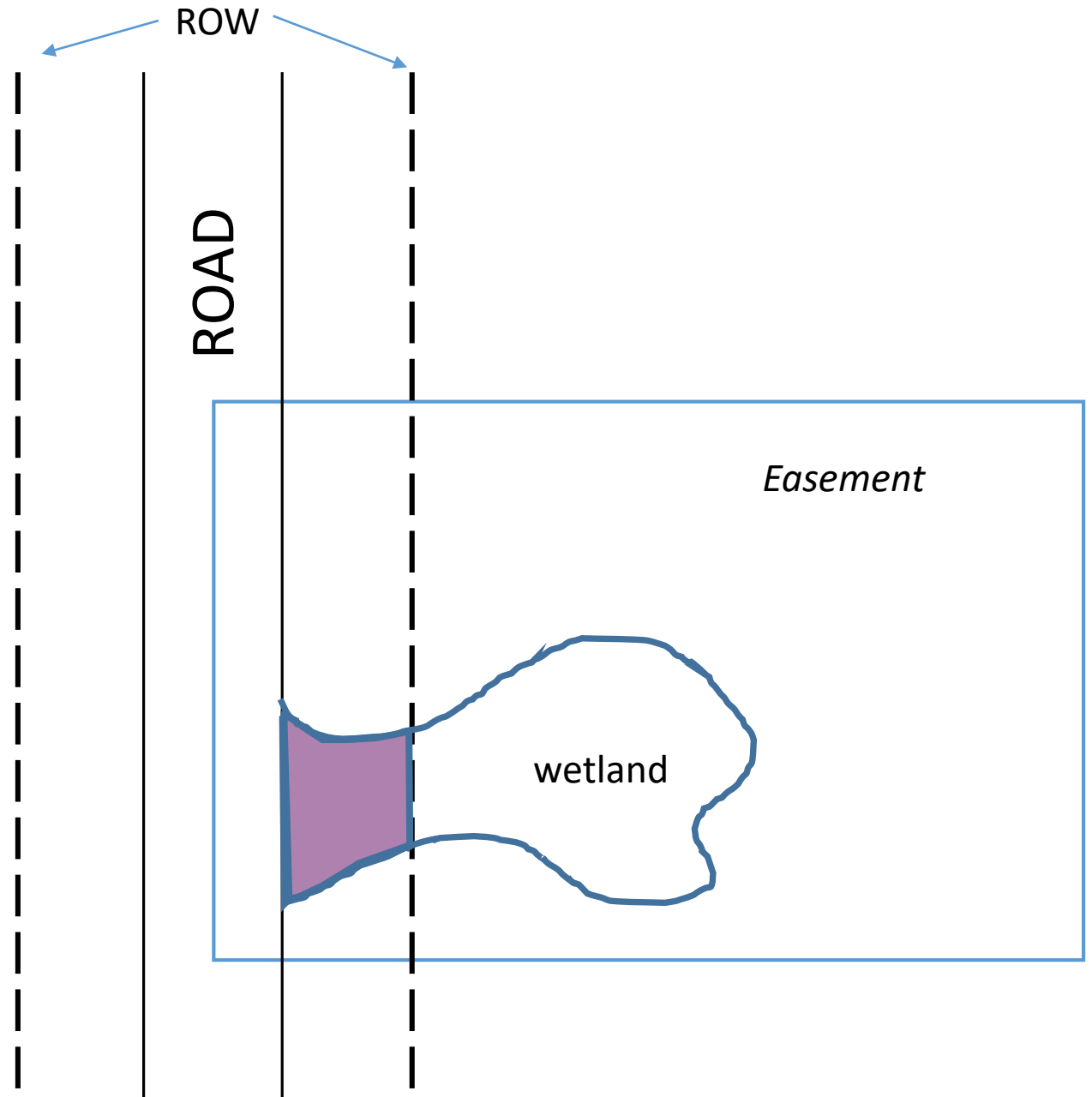


Work in the Existing ROW (county/township)

- The easement is subject to this activity
- The FWS has no jurisdiction
- May be other wetland laws that apply

If this is a State Hwy

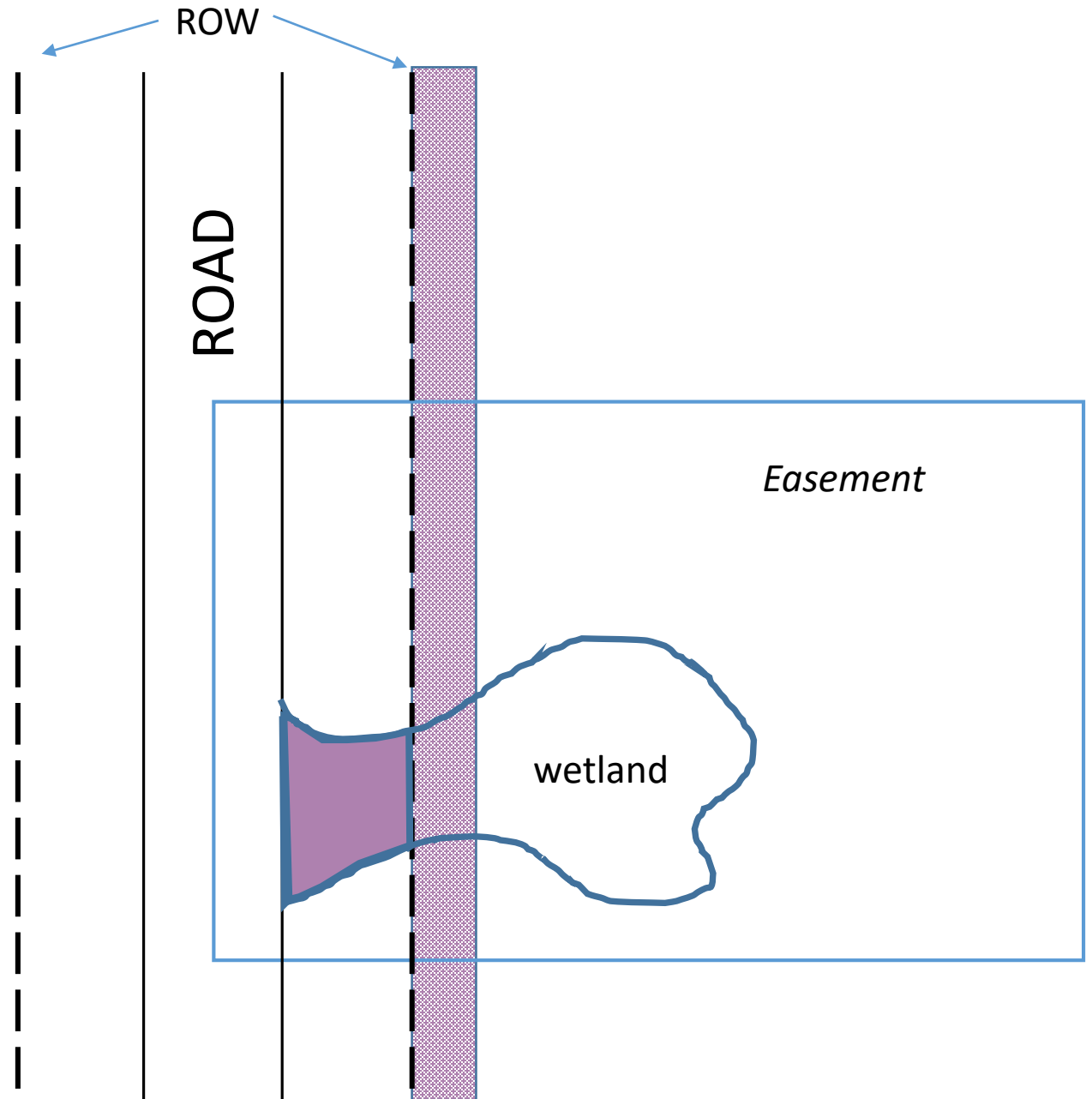
Easement does not include the ROW



TEMPORARY IMPACTS outside the existing ROW

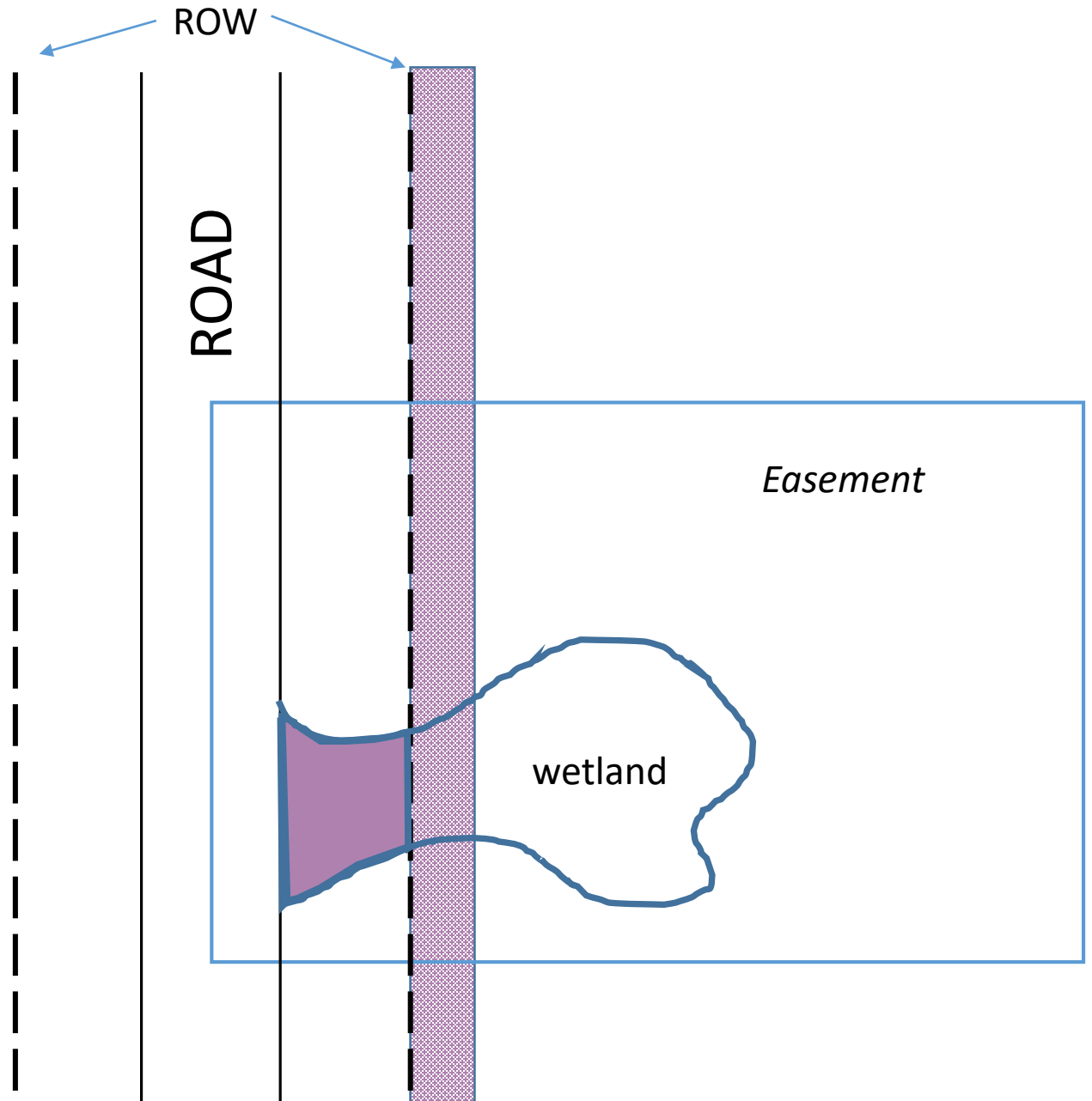
- FWS will work with project proponent to avoid and minimize impacts to the extent practicable, and then issue a Special Use Permit with stipulations for restoration if necessary

The same approach is used for the State, counties and townships



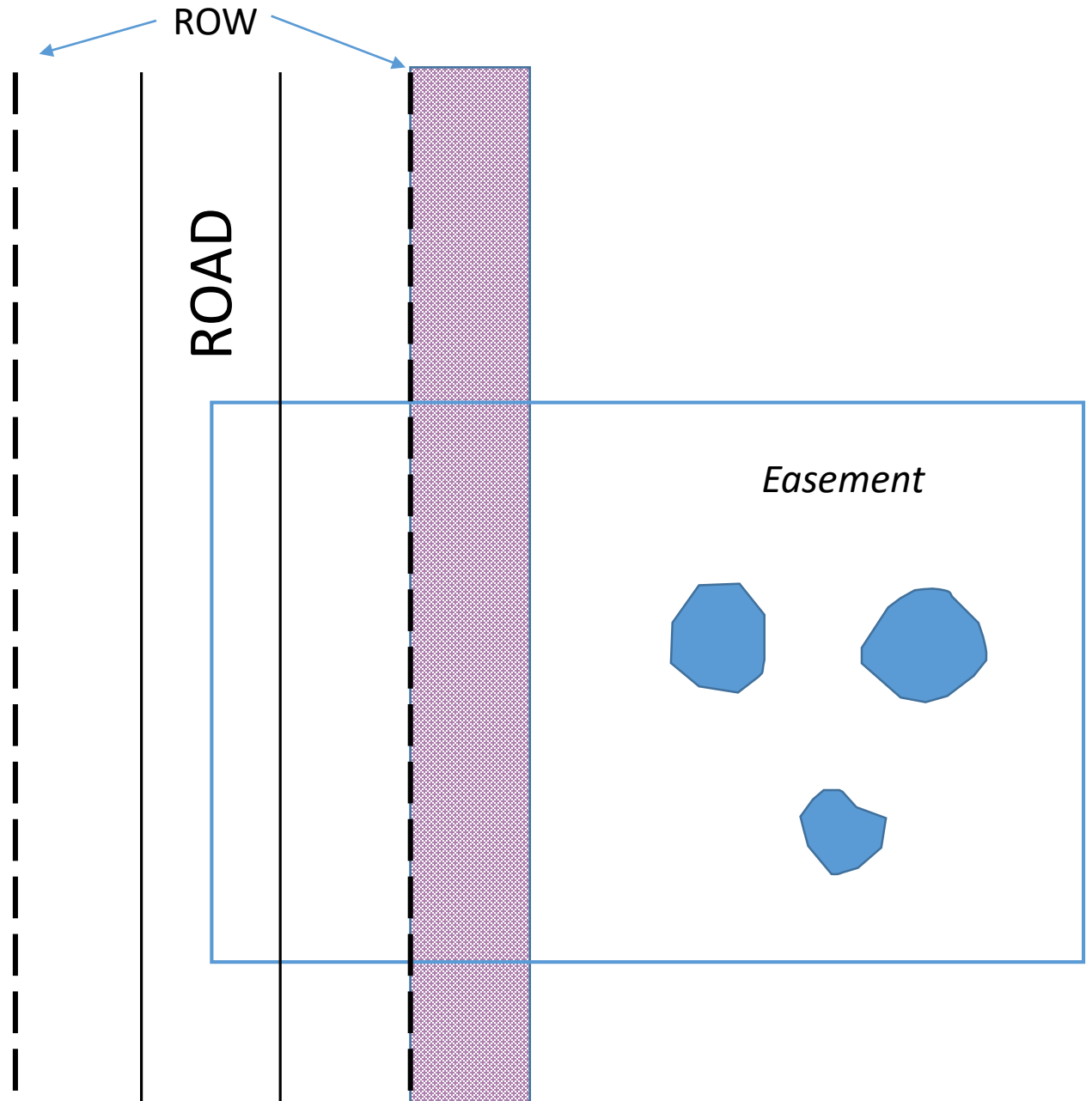
PERMANENT IMPACTS outside the existing ROW

- FWS will work with project proponent to avoid and minimize impacts to the extent practicable, and then:
 - 1) issue permit with compensatory mitigation where impacted habitats are replaced to assure no net loss of quantity, quality or protection
- OR
- 2) Exchange – “Exchange Banks” are the best option



Work outside the existing ROW

- Even if this is on a wetland easement tract, the FWS has no jurisdiction if protected wetlands are not impacted



WETLAND MITIGATION BANKING IN NORTH DAKOTA

Interagency Guidance for Mitigation Bank Sponsors



MOU 621.005A Memorandum of Understanding Between U.S. Fish and Wildlife Service and North Dakota Department of Transportation

I. Parties

This Memorandum of Understanding (MOU) is between the U.S. Fish and Wildlife Service, hereinafter referred to as "Service," and the North Dakota Department of Transportation, hereinafter referred to as "NDDOT."

II. Purpose

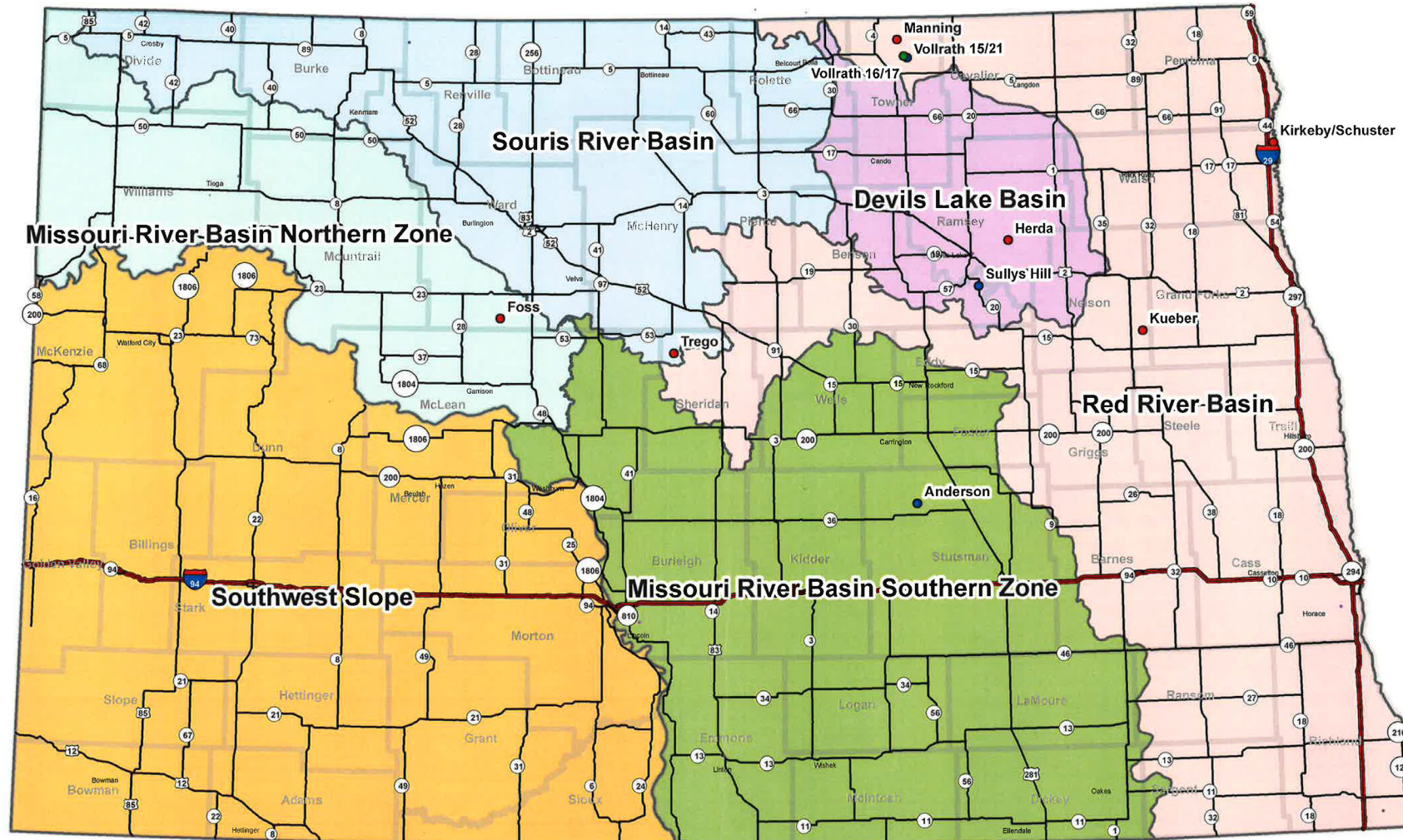
The purpose of this MOU is to set forth procedures and establish a basis for the exchange of Service held wetland, grassland, and FmHA easements; limited interest refuges; and fee title properties (Service Interest) included within the National Wildlife Refuge System. Proposed transportation-related construction and maintenance performed by the NDDOT and which permanently impact Service Interests will require an exchange of Service Interests with Replacement Interests (Replacement Interests). This MOU also establishes procedures for coordination and operation of a Service Interest Replacement Bank (Bank). Guidelines and procedures describing Replacement Interest criteria are set forth below and final certification that criteria are met will be determined by the Service.

III. Authorities

- National Wildlife Refuge System Administration Act, 16 USC 668dd-668jj; 1966 as amended.
- Fish and Wildlife Coordination Act, 16 USC 661-666; 48 Stat.401.
- National Environmental Policy Act of 1969, 42 USC 4321-4347; 83 Stat.852.
- Executive Order on Wetlands (11990).
- Endangered Species Act, 1973, 16 USC 1531-1543; 87 Stat.884.
- Surface Transportation and Uniform Relocation Assistance Act of 1987.

Active Mitigation Bank Location

Current as of 3/01/2016

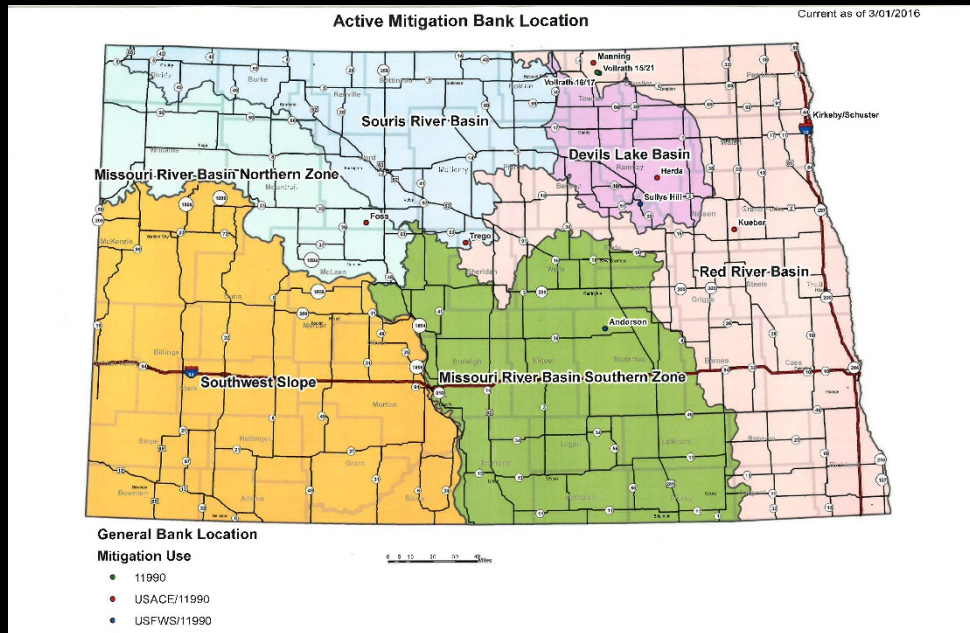


General Bank Location

Mitigation Use

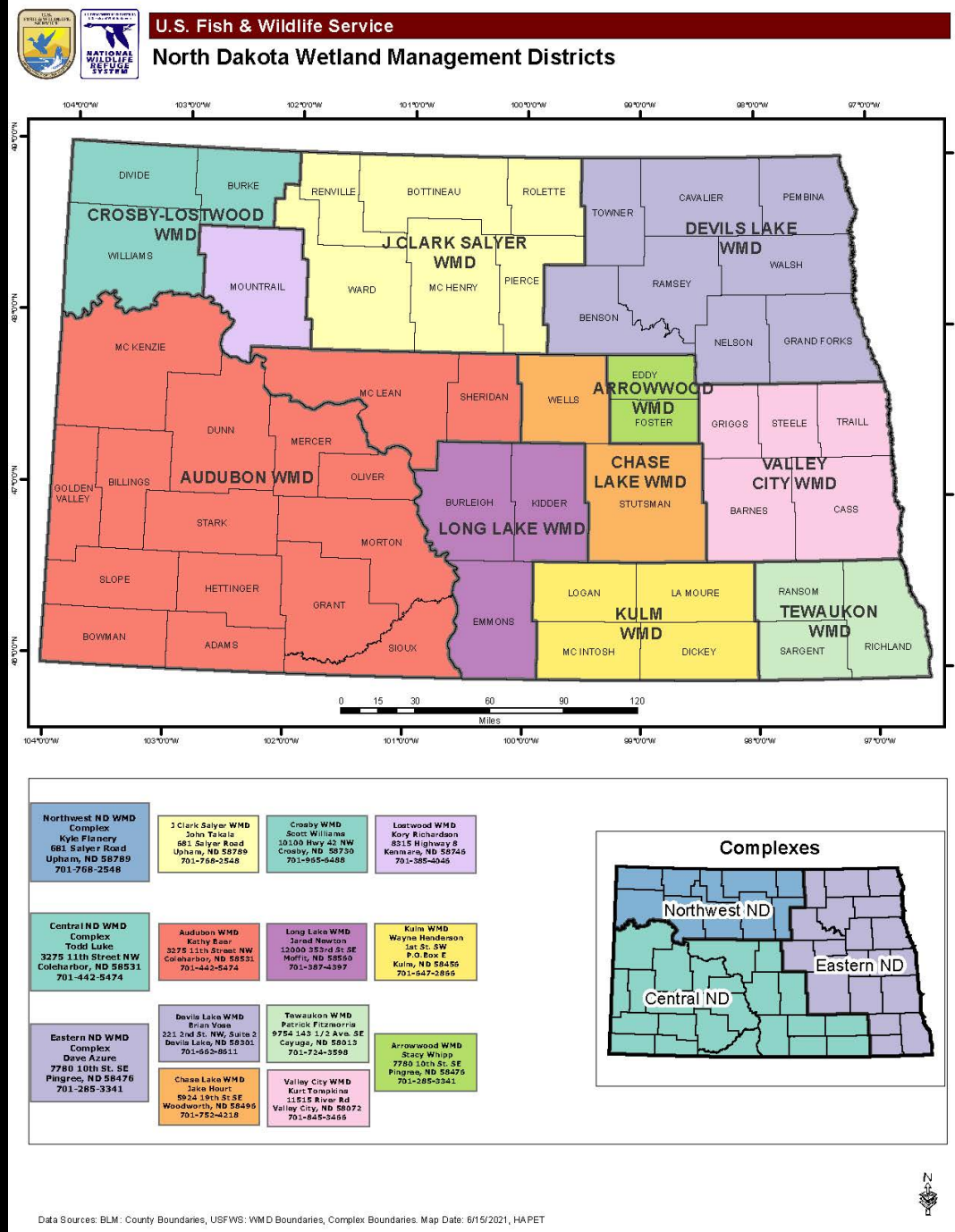
- 11990
- USACE/11990
- USFWS/11990

0 5 10 20 30 40 Miles



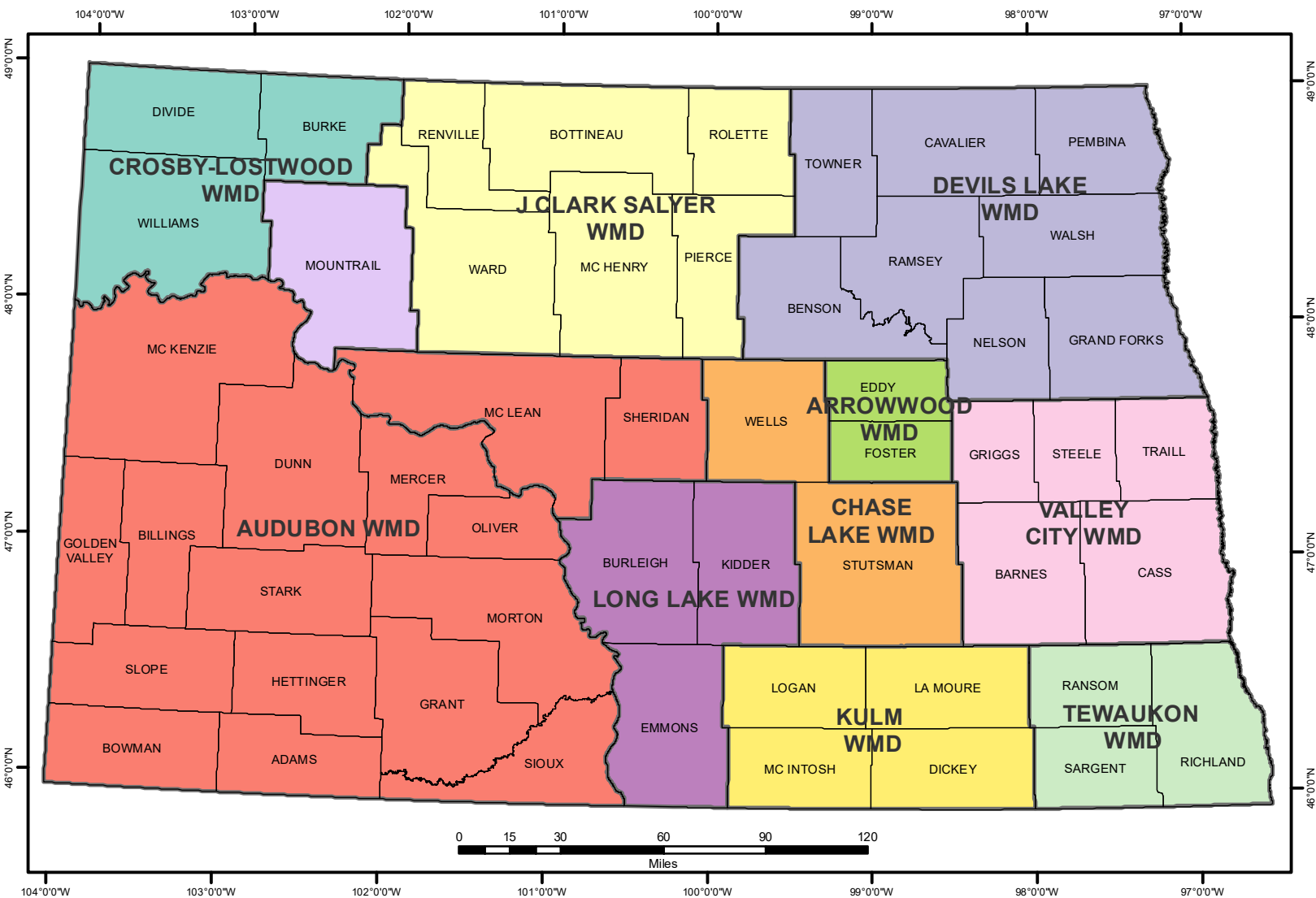
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