

2015 Presidential Migratory Bird Federal Stewardship Award
Top Three Nominee

US Fish & Wildlife Service: Achieving Energy Independence While Protecting America's Wildlife

Partners: The Conservation Fund; Rockies Express Pipeline, LLC, a subsidiary of Kinder Morgan; Columbia Gas Transmission, LLC, a subsidiary of NiSource, Inc.; TransCanada Keystone Pipeline, LP, a subsidiary of TransCanada Keystone Company, LP; Enbridge Pipelines (FSP) LLC, a subsidiary of Enbridge, Inc.; Enbridge Energy, Limited Partnership, a subsidiary of Enbridge, Inc.; Northern Indiana Public Service Company (NIPSCO), a subsidiary of NiSource, Inc.; and Southern Star Central Gas Pipeline, Inc.

The Migratory Bird Treaty Act has traditionally protected birds from direct “take.” Executive Order (E.O.) 13186 and the associated Memoranda of Understanding between federal agencies and the US Fish & Wildlife Service (USFWS), created the potential to mitigate for loss of migratory bird habitat where a federal



Photo Credit: U.S. Fish & Wildlife Service

nexus is involved. USFWS Region 3 Ecological Services has taken this farther by achieving mitigation for unavoidable loss of migratory bird habitat for projects without a federal nexus. Working with linear energy projects, the primary objective is “No net loss of remaining habitat.” The first five linear projects using Region 3’s ‘blueprint for mitigation’ have resulted in more than \$34 million for restoration of migratory bird and listed species habitat.

The Region 3 blueprint begins by informing the developer during initial contacts that USFWS will seek compensatory mitigation for loss of migratory bird habitat (under E.O. 13186) or for listed species habitat under the Endangered Species Act. Habitat requirements and land values are calculated, and the developer is informed how they can reduce costs by avoiding high ratio habitat and by co-locating with existing rights-of-way. Working with their Field Offices, Region 3 identifies areas likely to contain Birds of Conservation Concern or listed species that will need special consideration and protection.

Region 3 has used The Conservation Fund (TCF) as its third party fiduciary. TCF specializes in securing matching funds to expand the benefits of compensatory mitigation from energy

developers. Developers of projects that are not federally regulated have been willing to mitigate for threatened and endangered species and migratory birds when we work cooperatively to help them stay on schedule.

Examples of successful projects include the Rockies Express Project (2008), a 638-mile gas pipeline from Missouri to Ohio that resulted in \$4.15 million to mitigate for loss of upland forests and forest fragmentation with five projects protecting more than 19,000 acres of migratory bird habitats; the Enbridge Flanagan South Pipeline (2012), a 590-mile oil pipeline through Illinois, Missouri, Kansas and Oklahoma that resulted in \$22 million for listed species and migratory bird habitat, with four projects protecting 1,131 acres; and the NIPSCO Reynolds Topeka Transmission Line Project (2014), a 100-mile electric transmission line project in Indiana that resulted in \$4.3 million for migratory birds in an area recognized by The Nature Conservancy (TNC) as a globally significant conservation area and by the National Audubon Society as a globally significant Important Bird Area.

Region 3 has promoted the blueprint for mitigation by providing examples, templates and webinars for other Service Regions and field offices. USFWS Regions 4, 5, and 6 currently have linear projects that will apply this strategy.

R3 projects have provided important habitat for Cerulean, Worm-eating, Blue-winged and Kentucky Warblers, Wood Thrush, Black-billed Cuckoo, Whip-poor-will and Red-headed Woodpecker. Future mitigation in North Dakota will protect or restore native prairie habitat for Piping Plover and Sprague's Pipit. Pipeline mitigation in Wisconsin and Michigan may contribute to restoration of jack pine forests for Kirtland's Warbler.