

Criteria for In-Lieu Fee Mitigation

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1. Project Objectives: Obtain land that has suitable habitat for Indiana bat~~B~~ and northern long-eared bat (NLEB), and if appropriate, or perform activities that improve~~install features to enhance the existing habitat for to benefit these species~~
2. Factors for Consideration of Suitable Mitigation Sites~~Projects~~ (the Property shall~~should~~ have these characteristics):
 - a. In the geographic area where the impacts from the project occur in consideration of other public lands in the project area.
 - ~~a-b.~~ Located within documented Indiana bat and/or NLEB habitat
 - ~~b-c.~~ Presence of variety of suitable natural roost structures, primarily standing dead trees with loose bark, either primary roosts located in openings or at the edge of forest stands, or alternate roosts in either the open or the interior of forest stands.
 - ~~c-d.~~ Presence of tree species reported to be used as roosts by Indiana bats (there is an extensive list that I can provide, but we may not want to specify this as the most important characteristics of trees that provide roosts are not species but structure: exfoliating bark with space for bats to roost between the bark and the bole of the tree)
 - ~~d-e.~~ Exposure of roost trees to sunlight (east-southeast and south-southwest exposures)
 - ~~e-f.~~ Forging areas that include water sources
 - ~~f-g.~~ Functional travel corridors
3. Site protection mechanisms to ensure durability: Conservation Easement, deed restriction, conservation land use agreement, Land Bank, State Agency Protection, etc. Additionally, the party acquiring the land should prioritize properties that are less likely to be developed for their natural resources by doing the following: obtaining all mineral rights; severing mineral rights; developing surface use agreements; conducting risk analyses to determine development probability; or carving out areas from the proposed property that have the highest risk of development.
4. Maintenance Plan: Site ~~can~~ has a mechanism for maintenance ~~to~~ through government agency~~the WVDNR, land bank~~trust, conservation organization, etc.
5. Sites that benefit other listed species or Service trust resources will be prioritized
6. Sites should connect to state lands, federal lands, conservation areas, etc or be part of a contiguous tract of land that isn't under high risk of development
7. Establish a review team made up of biologists from USFWS and WVDNR to evaluate property proposals and rank them based on the criteria outlined in this document

Commented [WVFO1]: Shouldn't be an OR.

Commented [WVFO2]: What is a land bank?

Commented [WVFO3]: What mechanism would the state use to protect sites? Conservation land use agreements?

Commented [WVFO4]: The site will also need to have a long-term steward identified and needs to ensure that funding is available to conduct long-term maintenance