



Utah Prairie Dog Habitat Credit Exchange & Safe Harbor Fact Sheet: Panoramaland RC&D (Resource Conservation & Development)

What is the primary purpose of the program?

UPDHCEP: The Utah Prairie Dog Habitat Credits Exchange Program (UPDHCEP) is an easement program that provides economic incentives to private landowners for conservation of agricultural lands with existing Utah prairie dog (UPD) occupied habitat. Those lands are preserved in perpetuity for UPD habitat, thereby providing an option for development – which would otherwise be restricted – of UPD habitat elsewhere. The goal is to work towards delisting of the species by aiding in its recovery through compensation for conservation to private landowners, while providing credits to developers to permit otherwise restricted development activities.

Safe Harbor: The Utah Prairie Dog Safe Harbor Program is a voluntary Safe Harbor Agreement (SHA), involving landowners whose actions contribute to the recovery of species listed as threatened or endangered under the Endangered Species Act (ESA). The RC&D has been authorized by the US Fish and Wildlife Service (FWS) to enroll properties under a programmatic umbrella agreement.

Who is the lead agency or organization?

UPDHCEP: U.S. Dept. of Agriculture (USDA)/Natural Resource Conservation Service (NRCS)

Safe Harbor: U.S. Fish and Wildlife

Who actually administers the program?

Both programs are administered by the Panoramaland and Color Country Resource Conservation & Development Councils (RC&D). RC&Ds are non-profit organizations.

Who is eligible to participate in the program?

UPDHCEP: Private landowners with occupied UPD habitat and a minimum of 40 acres and 20 adult prairie dogs

Safe Harbor: Private or other non-Federal property owners

Who is responsible for monitoring effectiveness, and does the program provide funding support for monitoring?

UPDHCEP: The RC&D monitors easement compliance and coordinates species & habitat surveys to document the presence and persistence of UPD. Funding for future monitoring will come from the establishment of an endowment fund for each property enrolled in the program, generated through a portion of credit sales earned from the preservation of occupied habitat. Future funding is contingent on the success and self-funding of the UPDHCEP.

Safe Harbor: The RC&D will coordinate with the USFWS to monitor the species and provide an annual report (to FWS).

Currently, there is no established funding source for the program but it is administered by the RC&D as a sister program to the UPDHCEP. Future funding is contingent on the success and self-funding of the UPDHCEP.

Who is responsible for long-term management, and does the program provide funding for long-term management?

UPDHCEP: The property owner is responsible to manage their land in perpetuity. A one-time upfront payment is provided at the time of easement signing with no additional funding. The property owner may be eligible for NRCS programs providing funding for improved agricultural activities or actions. The RC&D and other agencies can provide technical support. Future funding is contingent on the success and self-funding of the UPDHCEP.

Safe Harbor: The property owner is responsible to manage their land according to the agreement for the term established, generally 15 years. The RC&D and other agencies can provide technical support. Future funding is contingent on the success and self-funding of the UPDHCEP.

Where does funding for the program come from?

UPDHCEP: The pilot UPDHCEP is funded with assistance from former Senator Bennett through a grant from USDA/NRCS with additional contributions provided by: EDF, Utah Division of Wildlife (UDWR) and Utah Division of Natural Resources Endangered Species Mitigation Fund (ESMF). The program also receives in-kind support from many organizations including: UDWR, ESMF, EDF, NRCS, Utah State University Extension, Utah Farm Bureau Federation, Fabian and Clendenin and the Utah Prairie Dog Recovery Implementation Program (UPDRIP).

Safe Harbor: At this time there is no established funding source for the program but is administered by the RC&D as a sister program to the UPDHCEP.

How does the program work?

UPDHCEP: Development of UPD habitat can be allowed if the loss of that habitat can be properly offset. One way to do this is to protect other habitats or pay someone else to do so. The UPDHCEP works like a bank that buys credits from private landowners willing to preserve existing UPD habitat, and then sells those credits to those in need of permitting development of their UPD habitat that would be otherwise restricted by the Endangered Species Act (ESA). The land under permanent protection will be included in the FWS counts needed to reach recovery of the species and ultimately delisting from the ESA. During the Pilot Program, efforts will be focused on high priority areas important for recovery of the species. If successful, the program may grow in scope and be able to accommodate more participants in Iron, Kane, Beaver, Garfield, Piute, Wayne and Sevier counties. The Program is working to acquire UPD Habitat Credits from landowners. Those credits will be made available to buyers for use in cooperation with Iron County's existing Habitat Conservation Plan (HCP). This will continue as funding allows and as supply and demand dictate.

Safe Harbor: A Safe Harbor Agreement (SHA) is a conservation incentive to help landowners help endangered species without the liability or threat of additional ESA restrictions. Some property owners may be reluctant to undertake activities that support or attract listed species on their properties, due to fear of future property-use restrictions related to the ESA. To address this concern, a SHA provides that future property-use limitations will not occur without the landowner's consent. Central to this approach is that the actions taken under the SHA will provide a net conservation benefit that contributes to the recovery of the covered species. More information on how Safe Harbors work can be found in the SHA section of this document.

What policies are followed internally in approving projects or analyzing applicants?

UPDHCEP: Determinations of eligibility are made as the projects are reviewed. If there are more eligible projects than there is funding, unfunded projects are placed at the top of a waiting list for future funding. Funding priority is given to projects that:

- Provide permanent habitat for UPDs.
- Meet required habitat, landscape and occupancy criteria.
- Address species and habitat priorities that have been identified through planning
- Reduce habitat fragmentation or serve as buffers for other important lands.
- Lean more towards a natural ecosystem that are not necessarily dependent on artificial agricultural activities.
- If other considerations are generally equal, priority is directed to projects that link private lands to other conservation lands or important federal lands (occupied habitat), have cooperative agreements such as Safe Harbors, and the greatest cost effectiveness.

Safe Harbor:

- Enrollment of the land must provide a net benefit to the species.
- Landowners must be willing and active cooperators.
- Portion of property enrolled must be at least 10 acres in size.

Is the program voluntary?

UPDHCEP: Yes

Safe Harbor: Yes

What level of approval is required?

UPDHCEP: The RC&D may approve applicant properties at the local level according to a set of program parameters developed through a rigorous and thorough process required by the regulating and governing authorities, including both the FWS and DWR.

Safe Harbor: The RC&D must receive an “ok” from the State Field Office of FWS to enroll an applicant property. Enrollment of the property must provide a net benefit to the species. The RC&D has authorization to enroll properties under their programmatic SHA through a “certificate of inclusion” which is designed to speed up the process. With a programmatic SHA, the RC&D holds the associated permit, then may convey the authorization and assurances to multiple other non-federal landowners within a specific region.

Is a formal contract or agreement required?

UPDHCEP: Yes, a contract between the RC&D and the landowner is required to purchase the easement. The easement agreement and a stewardship plan are recorded to the land in perpetuity.

Safe Harbor: Yes, a Safe Harbor Agreement is required. <http://www.fws.gov/endangered/landowners/safe-harbor-agreements.html>

What are key terms of agreement that a landowner would need to know?

UPDHCEP: The agreement is in perpetuity, development of the easement land is not permitted, continued UPD occupation is required, maintaining a baseline habitat is required, and agricultural activities are required in perpetuity. Also, the land will be evaluated and must meet certain requirements. The evaluation includes habitat quality (species richness, average shrub canopy cover, moisture rich vegetation), landscape context (landscape location, barriers to dispersal), and population (persistence and number of prairie dogs present).

Safe Harbor: The SHA specifies what type of activities are allowed; if habitat treatments or projects are going to be done, who is responsible for implementing specific portions of the project; what entities are providing funding, and what the funding will be used for. The SHA minimum term is 15 years. If the landowner also participates in a Wildlife Extension Agreement (WEA) with Partners for Fish and Wildlife (PFW), the work specified in the agreement must be completed within a 2 years and remain in place for 10 years.

Who are the essential parties to the agreement?

UPDHCEP: The RC&D and the landowner.

Safe Harbor: The RC&D and the landowner.

What benefits does the program provide to species or habitats?

Examples of conservation benefits include: reduced habitat fragmentation; maintenance, restoration, or enhancement of existing habitats; increases in habitat connectivity; stabilized or increased numbers or distribution; the creation of buffers for protected areas; and opportunities to test and develop new habitat management techniques.

How does the program benefit landowners?

- Monetarily:

UPDHCEP: The program provides a one-time upfront payment to voluntary landowners willing to enroll their occupied UPD property in an easement. The financial consideration is established through a yellow-book appraisal process. In addition to the easement value offered is a per credit amount provided to those property owners whose easement value is less than 50% of the appraisal land value.

Safe Harbor: The Safe Harbor does not have any direct funding benefit to landowners.

○ Assurances:

UPDHCEP: No assurances provided; no authorized take of species or habitat permitted.

Safe Harbor: In exchange for actions that contribute to the recovery of listed species on non-Federal lands, participating property owners receive formal assurances from the FWS that if they fulfill the conditions of the SHA, the FWS will not require any additional or different management activities by the participants without their consent. At the end of the agreement period, participants may return the enrolled property to the baseline conditions that existed at the beginning of the SHA.

What are limitations of the program in terms of long-term species conservation?

UPDHCEP: None, the program provides for long-term species conservation.

Safe Harbor: The program is designed to run for 15 years; however, the landowner can choose to withdraw their participation at any time. Then, or after the 15 years if the agreement is not renewed, the program can no longer ensure that conservation actions for the UPD are taking place.

What habitats, locations, or other spatial restrictions does the project have?

The UPDHCEP and Safe Harbor program can enroll properties for conservation within occupied UPD habitat located in Iron, Garfield, Piute, Wayne or Sevier counties. To enroll in the UPDHCEP the property must be 40 acres and have 20 adult UPDs. To enroll in a Safe Harbor the property must be at least 10 acres.



Are there standard annual application dates?

UPDHCEP: No, at this time applications accepted throughout the year.

Safe Harbor: No, applications accepted throughout the year.

What is the duration of the program?

UPDHCEP: Perpetuity

Safe Harbor: The program is designed to run for a 15 year term, but the landowner can withdraw their participation at any time. If a property owner sells lands enrolled in SHA, the FWS will honor the agreement and associated permit, providing the new owner agrees to become a party to the original terms. The SHA can be renewed for as long as the property landowner and the FWS mutually agree. If the landowner does not renew the agreement, they are no longer protected from the “take” prohibitions of the ESA that are allowed under the permit.

Can the program handle multi-year commitments?

UPDHCEP: Required in perpetuity.

Safe Harbor: Required, 15 years.

Are there other relevant time considerations?

No.

Big picture: when is this the right program?

Landowners

This program is a **GOOD** match for landowners who:

UPDHCEP:

- Are open-minded and become conscious of the concept that their agricultural operations and the species can be compatible if managed appropriately
- Are interested in receiving compensation for conservation actions
- Are willing to continue agricultural operations while conserving the species

Safe Harbor:

- Have a federal trust species or habitat for those species, on their property
- Are interested in conservation work but may also like the assurances provided
- Need technical assistance and/or funding for project implementation.

*This program is **NOT** a good match for landowners who:*

UPDHCEP:

- Are not willing to enroll land into a permanent easement
- Are not willing to allow prairie dogs to occupy land without trapping or killing them
- Are absentee landowners
- Are not willing to work within the terms of an easement or stewardship plan

Safe Harbor:

- Are not willing to provide a net benefit to the species
- Are looking a payment program
- Are not willing to work with local and federal regulatory agencies
- Do not want a public record of their projects
- Do not want to implement management changes for an extended period of time.

Conservation Goals

*This program is a **GOOD** match for conservation goals that:*

UPDHCEP:

- Provide Utah prairie dog habitat
- Are in perpetuity
- Include compatible uses such as agricultural and grazing
- Target specific private parcels critical to species recovery or habitat connectivity
- Addresses issues raised by state, regional and national conservation initiatives

Safe Harbor:

- Provide Utah prairie dog habitat
- Have medium- to long-term time horizons (15 or more years)
- Have projects that may require technical support or coordination from multiple sources

*This program is **NOT** a good match for conservation goals that:*

UPDHCEP:

- Need immediate or permanent retirement of the land from agriculture use
- Require habitat work on state or federally owned property
- Do not included Utah prairie dogs
- Do not involve habitat preservation

Safe Harbor:

- Require habitat work on state or federally owned property
- Do not involve Utah prairie dogs or habitat
- Do not involve a net benefit to the species

Prepared with assistance from USU Extension, Lorien Belton

Utah Prairie Dog Habitat Credits Exchange Program (UPDHCEP)
Resource Conservation & Development (RC&D)
www.panoramalandrcd.org

	UPDHCEP	HCP
Take Method / Source	Credits acquired through easement purchase, habitat worksheet assessment.	Calculated Take 10% of 5-year Avg Count
Annual # of Take Available by ESA/FWS	Accrued: could vary 0-600+ credits annually. Calculated from metric including “dogs” and habitat assessment (not based on population alone). Combination of acres, habitat quality, location, population. Credits clear acres.	Annual Allotted Take 60-100 Dogs + 1 Yr Carry-over
Availability / Take Available	Credits for HCEP Carry-over, No Expiration	Allowed 1 Yr carry over from HCP
DWR Survey: Assess species present count; Required take	Survey Required 6 Credits/acre LOW impact assessed 8 Credits/acre MEDIUM impact assessed 10 Credits/acre HIGH impact assessed	Survey Required 5 year avg # of dogs counted
Take Approval Process	Survey, Buy Credits Online	Request to be added to the County Mitigation List, County Commission Approval
County Commission Approval	Not Required	Monthly County Commission Meeting, Request Take
Purchase Limit	Limited to Credits Available in Bank at Time of Purchase/Project Application	Limit 10 dogs to each applicant property per request
Timing	No Restrictions, No Max, No Min, No Limit; By now, Start Later	30-60=90 day rule 30 days to pay \$ 60 days to begin Continuous Development Required
Price	\$800/Credit or \$4,800 - \$8,000 ~ / acre Per Acre (no min or max prairie dog take)	\$1,000/acre; prorated if need be, regardless of how many dogs, but limited to 10 dogs per project
Clearance Perm/Temp	Permanent (buy now, develop anytime)	Temporary; Subject to Terms 30, 60 day rule
Transferrable	Non-Transferrable	Non-Transferrable
Expiration	Valid in Perpetuity	Subject to Terms 30, 60 day rule