
COLORADO'S SHORTGRASS PRAIRIE INITIATIVE

OVERVIEW

Colorado's shortgrass prairie –covering more than 27 million acres, or nearly one third of the state – is one of the most imperiled ecosystems in North America. Factors contributing to its deteriorating condition include agricultural plowing, water and wind erosion, development of dams and irrigation systems, decreasing water availability, development, and the loss or decline of important herbivores such as bison, elk, and prairie dog. Of more than 100 declining species on the prairie, 54 are globally imperiled, ten are listed under the Endangered Species Act (ESA), one is proposed, and six are candidates.

With continued development, diminishing habitat, and the number of federally listed species increasing, the Colorado Department of Transportation (CDOT) has been spending more and more time on clearing projects. Clearance often involves multiple seasons of species surveys and additional time for mitigation or conservation planning. As a result, individual projects can sometimes consume state resources for years before anything happens on the ground. In addition, the project-by-project clearance and mitigation process can yield scattered and fragmented habitat conservation, which contributes little to the viability of individual species and ecosystems on which they depend.

These two sets of concerns set the stage for a unique and successful collaboration. A desire emerged several years ago among state agencies like the Division of Wildlife and non-profit organizations like The Nature Conservancy to alleviate the need to list species under the ESA by conserving large portions of shortgrass prairie habitat. At the same time, CDOT (which counts nearly 90,000 acres of shortgrass prairie within its statewide right-of-way) along with the Federal Highway Administration (FHWA) and U.S. Fish and Wildlife Service were exploring regulatory streamlining practices that would focus resources on results.

THE COLLABORATION

The Players

The Collaboration was initiated by Edrie Vinson, of the Colorado Division of FHWA, and Vinson's colleague at CDOT, Marie Venner, who shared an interest in bringing environmental values into agency practices. In spring 2000, Vinson and Venner arranged to meet with

Chris Pague of The Nature Conservancy (TNC) to discuss a collaborative initiative.

One topic of conversation was TNC's 1998 study, *Ecoregion-Based Conservation in the Central Shortgrass Prairie*. The study, centered on Colorado's Eastern Plains, identified imperiled species and top priority habitats for protection. The two transportation officials acknowledged their own agencies' interests in large-scale habitat protection; if shortgrass prairie species continued to get federally listed at the current rate, it could bring highway construction to a halt. Shortly after their meeting, representatives of CDOT, FHWA, and TNC contacted the U.S. Fish and Wildlife Service (FWS) about collaborating on a habitat preservation / mitigation banking project.

From the beginning, the parties to the agreement focused on their desire to combine a mitigation banking approach to streamlining transportation projects with a large-scale habitat conservation approach to protecting declining species. The parties crafted an assessment of future impacts from CDOT transportation projects and came up with a conceptual conservation strategy to offset those impacts.

The parties partnered with public interest and research organizations, including the Colorado National Heritage Program and the Rocky Mountain Bird Observatory, to complete the assessment and flesh out the conservation concept. The Farm Bureau, the Colorado Cattleman's Association, and local governments skeptical of conservation initiatives were consulted at various points. Environmental organizations such as the National Wildlife Federation, Audubon, and the Sierra Club were consulted at meetings of Colorado's Environmental Roundtable.

The Process

Once all the primary partners agreed to collaborate, they began meeting about once a month, planning and negotiating without the help of an outside facilitator. One participant believes this was possible because the parties had very compatible interests and each had a lot to gain from collaborating.

In April 2001, after meeting for nearly a year, the parties formalized their collaboration in a Memorandum of Agreement (MOA). The signatories to the MOA were CDOT, FHWA, FWS, the Colorado Department of Natural Resources, the Colorado Division of Wildlife, and The Nature Conservancy.

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The Agreement

The Memorandum of Agreement (MOA) committed the parties to working together to effect regional conservation of declining species on Colorado's Eastern Plains. This will be done by providing proactive, advance conservation of priority habitats for multiple species that will allow CDOT and FHWA to address compliance under the ESA for listed species and for declining species that may become listed.

In preparation for the agreement The Nature Conservancy and the Colorado National Heritage Program identified declining animal and plant species that 1) were likely to be listed under the ESA in the next 20 years, 2) were within a zone of impact from CDOT highways, and 3) were likely to benefit from a conservation/mitigation banking approach. Thirty-six species became the focus of the MOA.

In lieu of project-by-project species inventory, analysis, and review, the parties estimated the collective impacts of proposed transportation projects on declining-species habitats over the next 20 years. They based this estimate on CDOT's 20-year plan, which anticipates safety, reconstruction, capacity, and other transportation improvements for 22% of the highway network in Colorado's central shortgrass prairie (over and above overlay projects, which are expected to have minimal impacts). The MOA covers those transportation improvement projects, in addition to CDOT maintenance work, resurfacing, and on- and off-system bridge repairs throughout the Eastern Plains.

Under the MOA, a panel headed by technical experts from The Nature Conservancy and Colorado Division of Wildlife will identify priority habitat conservation sites that can serve as large-scale conservation/mitigation areas for the 36 species identified in the preliminary survey.

CDOT will then issue a request for proposals from outside parties who would contract with CDOT to acquire property interests in the selected sites and develop a conservation plan for the acreage. The party that enters into the contract with CDOT will manage the conservation acreage in accordance with the purpose for which they are acquired under the ESA. CDOT will fund the contract with the intent that Federal-aid projects will reimburse the state for mitigation credits as they are used. The contracting party will report to

CDOT regularly on the conservation activities over the 20 years the contract will be in effect. The lands will be held in perpetuity for habitat conservation.

This proactive conservation/mitigation measure will help satisfy CDOT and FHWA obligations under the ESA for identified listed species and declining species, should the latter become federally listed as threatened or endangered.

OUTCOMES

The MOA sets up a unique long-term institutional collaboration among state and federal transportation and resource agencies and a national non-profit organization. It will eventually protect more than 50,000 acres of shortgrass prairie in Eastern Colorado. Much of that acreage will be leveraged with other conservation measures—like those of Ft. Carson, Great Outdoors Colorado, and the Pawnee National Grasslands—to preserve even larger sites that would otherwise be subject to development and species decline.

CDOT has not yet purchased any land. Their first attempt was unsuccessful in part because the division in charge of the purchase was accustomed to purchasing right-of-way, and negotiation around land conservation were somewhat outside the division's realm of experience. CDOT has since decided to contract for outside land brokerage service.

A secondary outcome of the project has been the continued use of collaborative practices by the participating parties. According to the MOA, "While shortgrass prairie issues can be challenging, long-term conservation success will require an open and honest dialog among public agencies, private landowners, and non-profit partners. The land management entities in this MOA will foster a collaborative approach to shortgrass prairie conservation and management and are committed to working with local communities."

The trust the agencies built through this project led to other joint activities. For example, FHWA and FWS have created the first endangered species "bank" in Colorado. Through ESA mitigation, FHWA discovered an innovative method of protecting the habitat of the Prebles Meadow Jumping Mouse. In cooperation with FWS, they tripled their effort beyond what was required to comply with the ESA and created 25 acres of habitat for the threatened mouse.

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Finally, the parties to the MOA are undertaking a public education campaign to build appreciation of the shortgrass prairie ecosystem and how it supports life in Eastern Colorado. The effort will include outreach to schools, libraries, and other organizations.

LESSONS LEARNED

- ✓ Although personal relationships and informal discussions were important to the success of the collaborative process, **the MOA provided the formal glue** that will hold the project together, even in the event of personnel turnover.
- ✓ **Collaborative efforts can result in cost savings.** CDOT gets 20 years of mitigation at today's land prices. FWS stands to save money by avoiding costly project-by-project reviews under the ESA.

- ✓ **Trust built through one collaboration can lead to future cooperation on other issues.**
- ✓ **Exploring and uncovering shared interests was a crucial first step** to the success of this collaboration. Helping all parties accomplish their missions can ensure motivated and enthusiastic participation. As Edrie Vinson observed, "If you can accommodate people's interests up front, everyone will work hard to pull off the project. In our case there has been almost no dissention. We look for solutions together and we find them!"

This case was adapted from Colorado Memorandum of Agreement, available at < <http://www.fhwa.dot.gov/environment/streaming/comoa.htm>>. Other sources include Shortgrass Prairie – 2003 FHWA Environmental Excellence Awards Entry and Successes in Streamlining Newsletter, December 2001.