

BANCOS DE CONSERVACIÓN DE LA NATURALEZA Y CUSTODIA DEL TERRITORIO



VII Congreso Nacional de Evaluación de Impacto Ambiental

11-13 marzo 2015

Los Bancos de Conservación de la Naturaleza como forma particular de hacer custodia del territorio

Los Bancos de Conservación de la Naturaleza como herramienta de compensación ecológica



La Custodia del Territorio. Perspectiva actual

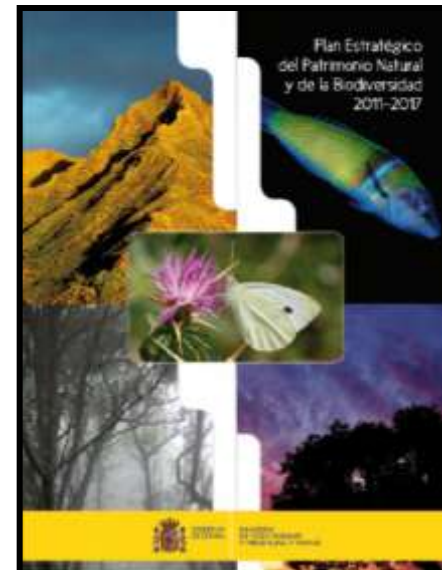
Custodia del territorio: estrategias o técnicas jurídicas que implican a los propietarios y usuarios del territorio en la conservación y uso de los valores y los recursos naturales, culturales y paisajísticos.

Entidades de custodia: organización pública o privada, sin ánimo de lucro, que lleva a cabo iniciativas que incluyan la realización de acuerdos de custodia del territorio para la conservación del patrimonio natural y la biodiversidad. Tanto en terrenos privados como públicos (art 72 Ley PNB)

Ley 42 PNB/ Plan Estratégico de PNB (R.D. 1274/2011)

Objetivo 5.1 Promover la custodia del territorio para la conservación de la biodiversidad

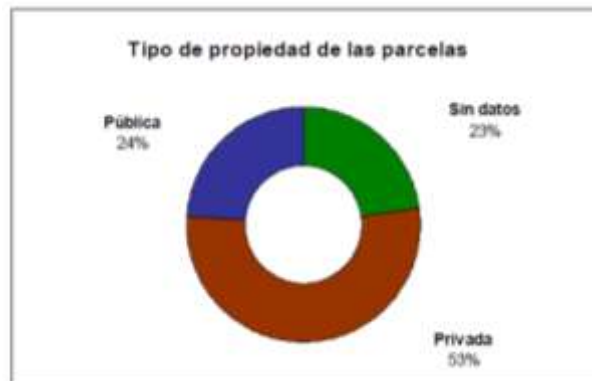
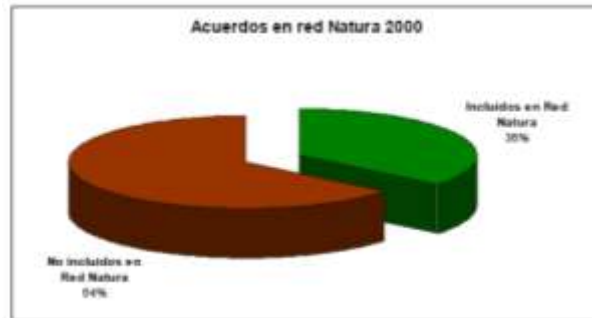
- 5.1.1. Registro, tipología y condicionantes
- 5.1.2. y 3 Promoción acuerdos de custodia
- 5.1.4. Criterios de buenas prácticas y seguimiento
- 5.1.5. Responsabilidad empresas y gestión concertada de espacios naturales



La Custodia del Territorio. Perspectiva actual

(Fuente: Inventario Red de Custodia, Plataforma de Custodia del Territorio FB)

350 entidades; 1.336 acuerdos; 292.746,96 ha con acuerdos



Importante auge y crecimiento, pero los acuerdos se dirigen básicamente **fuera de territorios con figuras de protección** (zonas de alto valor natural)

Dominio de acuerdos de custodia **en terrenos privados**

La Custodia del Territorio. Perspectiva actual

Algunas demandas de las entidades de custodia

- Potenciar el papel de los agentes privados como coadyuvantes de la administración ambiental.
- Mayor importancia de la titularidad privada de terrenos con valores naturales
- Falta de desarrollo del artículo 72.2 sobre alianzas entre la AGE y las entidades de custodia para la gestión de fincas de titularidad pública.
- Falta de mecanismos de regulación que hagan fiable e interesante la inversión en proyectos de conservación de los cuales se beneficien las entidades de custodia.



**RED DE CUSTODIA
DEL TERRITORIO**

Madrid - Castilla La Mancha



insulas

RED ANDALUZA DE CUSTODIA Y GESTIÓN DEL TERRITORIO



xct

xarxa de custòdia del territori



RED TRASCANTÁBRICA
DE CUSTODIA DEL TERRITORIO



ICTIB
INSTITUTO DE LA CUSTODIA
DEL TERRITORIO DE LAS ILAS BALEARES



avinença
Asociación Valenciana de Custodios
del Territorio (AVCT)



redcustodia
castilla y león

Ley 21/2013 de Evaluación Ambiental

(DA 8ª Bancos de conservación de la naturaleza)

1 Son un **conjunto de títulos o créditos** representativos de valores naturales creados o mejorados específicamente. **Adicionalidad**

2 Se crean por Resolución (del MAGRAMA y/o CCAA) que contendrá:

- Las actuaciones de conservación a realizar en las fincas (referencia catastral / registral)
- El número de créditos otorgados por la administración reguladora (MAGRAMA / CCAA) de acuerdo a criterios técnicos establecidos en la resolución de creación.

3 En los terrenos constituidos en bancos prevalecen los aspectos ambientales:

- Obligación de conservar** los valores naturales y dedicarlos sólo a **usos compatibles** de acuerdo a la resolución.
- Necesidad de inscripción de las **limitaciones al dominio** en el Registro de la Propiedad.

4 Los **créditos** otorgados pueden ser las medidas **compensatorias y complementarias** de la normativa de evaluación ambiental y responsabilidad medioambiental, con **el objetivo de equilibrar los efectos negativos sobre el mismo o semejante valor natural (NNL)**.

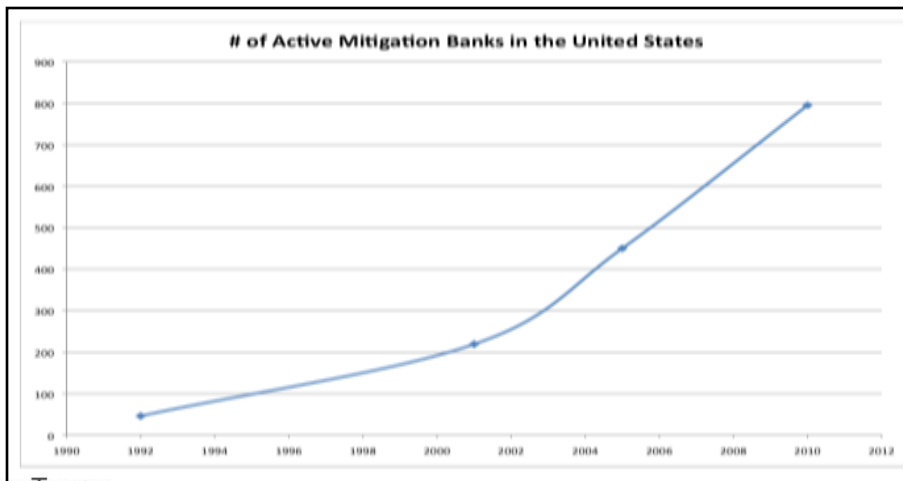
5 Los **créditos otorgados se inscribirán (propuesta de administración otorgante) en un Registro** dependiente del MAGRAMA y se pueden transmitir en régimen de libre mercado

6 Desarrollo reglamentario para régimen general, organización, funcionamiento y criterios técnicos; **En desarrollo en estos momentos... generando interesante replanteando los EIA**

Colaboración con el USFWS de EEUU



- Pioneros a nivel mundial (mayores garantías)
- Importancia de los terrenos privados en la conservación de las especies y habitats amenazados
- 2 Leyes federales (“Clean Water Act” y “Endangered Species Act”), contemplan la no pérdida neta de biodiversidad y la compensación ecológica
- Gran desarrollo protegiendo miles de ha (500.000 ha) y generando actividad económica entorno a la conservación.
- Transacciones: 2,4 – 4,0 US\$ bn (Madsen et al 2011).



¿Qué son los Bancos de conservación?

Terrenos donde se realizan **actuaciones voluntarias** de mejora o restauración de especies y hábitats, que se gestionan y conservan de manera permanente.

A cambio, su titular recibe **créditos** (unidades de medición) por la autoridad reguladora, que pueden ser adquiridos por promotores de proyectos y operadores que los necesiten para **compensar impactos** o reparar **daños medioambientales** sobre los mismos valores naturales.



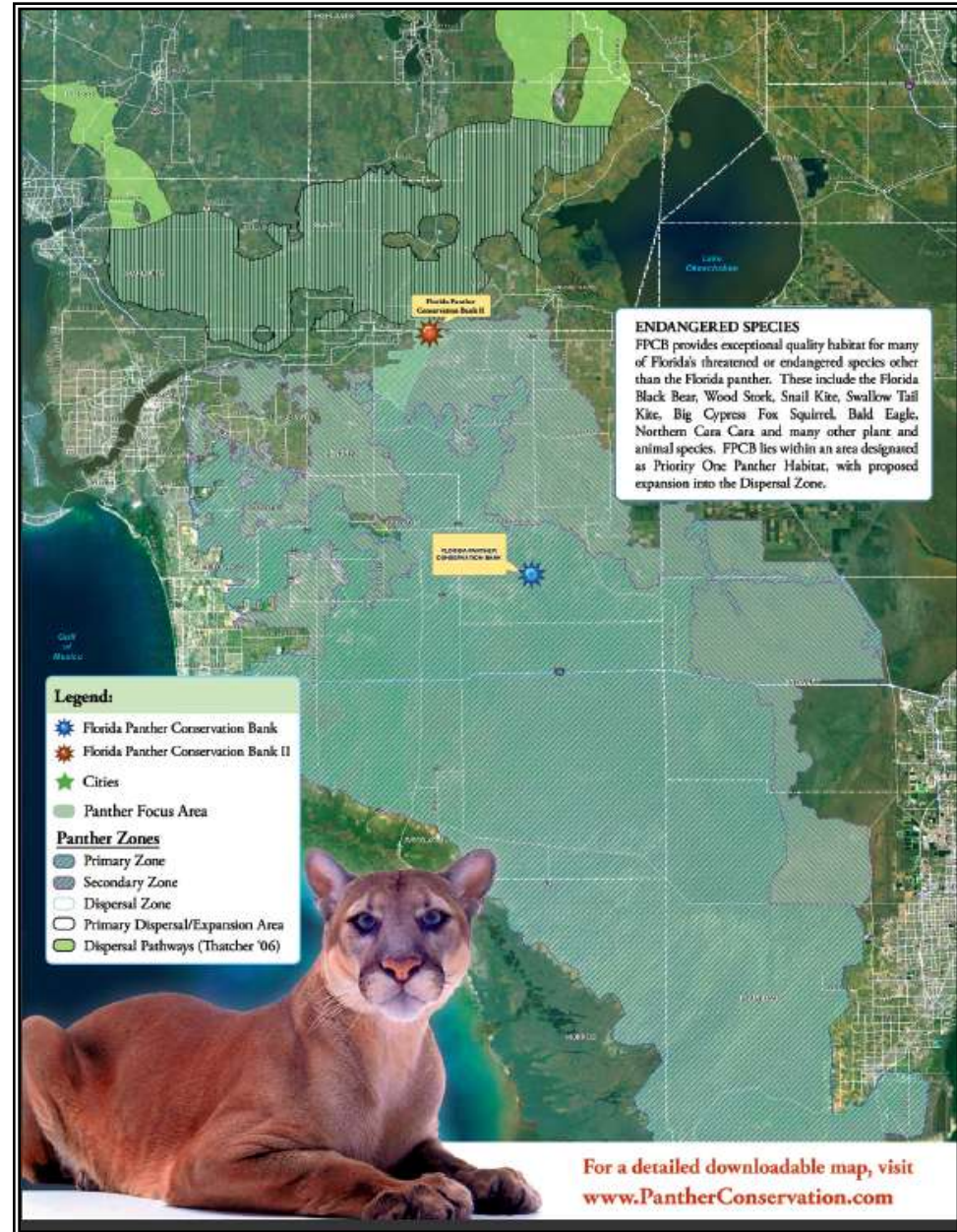
Esquema de un Banco de Conservación



Áreas de servicio de los bancos

- Ámbitos geográficos donde los bancos proveen “servicios” de compensación.
- Delimitados por la autoridad reguladora
- Definidos en base a **criterios ecológicos** (regiones ecológicas, áreas de distribución, corredores ecológicos, cuencas hidrográficas, etc.).

Ejemplo: Área de servicio del banco del **Puma de Florida**, incluye el área distribución y de dispersión de la especie



Acuerdo de conservación

Marco legal de funcionamiento del banco

- Partes intervinientes y detalla sus responsabilidades:

- Titular del banco
- Propietario del terreno
- Autoridad reguladora
- ONGs

- Componentes esenciales :

- Plan de gestión
- Garantías financieras
- Garantías sobre los terrenos

BANK ENABLING INSTRUMENT VAN VLECK RANCH MITIGATION BANK		
This Bank Enabling Instrument ("BEI"), dated this <u>3</u> day of <u>April</u>, 2009, is made by and among Westervelt Ecological Services ("Bank Sponsor"), Van Vleck Ranching and Resources Corporation ("Property Owner"), the Sacramento California District of the U.S. Army Corps of Engineers ("USACE"), Region IX of the U.S. Environmental Protection Agency ("USEPA"), the Sacramento California Office of the U.S. Fish and Wildlife Service ("USFWS"), and the California Department of Fish and Game ("CDFG"), Region 2 Office. These agencies comprise and are referred to jointly as the Interagency Review Team ("IRT"). The Bank Sponsor, Property Owner, and the IRT are hereinafter referred to jointly as the "Parties". This BEI sets forth the agreement of the Parties regarding the establishment, use, operation and maintenance of the Van Vleck Ranch Mitigation Bank (the "Bank").		
RECITALS		
A. The Bank Sponsor is responsible for establishing and operating the Bank.		
B. The Property Owner is the owner of real property containing approximately 1792 acres (the "Property"), located near the community of Rancho Murietta, County of Sacramento, designated Assessor's Parcel Nos. 128-0080-118, 128-0100-025, 029, 032, 034, 040 (the "Property"). This Property is the subset of a much larger, approximately 4,000 acre contiguous ranch ("Ranch"), owned by the Property Owner. The Property is generally shown on the Bank Location Maps (Exhibit A) and legally described in the Real Estate Records and Assurances (Exhibit E) attached hereto.		
C. Bank Sponsor and Property Owner desire to create the Bank over a 775.03 -acre portion of the Property (the "Bank Property"). The Bank Property is generally shown on the Bank Location Maps (Exhibit A) and legally described in the Conservation Easement (Exhibit E-4) attached hereto. The Bank Property is to be conserved in perpetuity by the Conservation Easement, which shall be recorded as provided in Section V.		
D. CDFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary for biologically		

Plan de Gestión (Conservación)

- Finalidad y objetivos concretos
- Cartografía, descripción del medio físico y biológico (Línea de base)
- Descripción de actividades
- Monitorización: indicadores y fuentes de verificación (performance standards)
- Planificación económica de las actuaciones

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Plan de Gestión. Valoración económica

Section 15 - Ongoing Tasks and Costs

Property Title: Van Vleck Ranch Mitigation Bank

PAR ID: VVMB

3/23/2009

Task List	Specific Description	Unit	Number of Units	Cost / Unit	Annual Cost	Years Divide	Cont %	Total Cost
BIOTIC SURVEYS								
General Habitat	Walk Through Surveys &	L. Hours	20.00	56.00	1,120.00	1.0	10.0	1,232.00
General Habitat	Walk Through Surveys &	L. Hours	16.00	65.00	1,040.00	1.0	10.0	1,144.00
Monitor	Monitor Range Conditions	L. Hours	4.00	56.00	224.00	1.0	10.0	246.40
Swainson's Hawk	Field Survey	L. Hours	16.00	56.00	896.00	5.0	10.0	197.12
Vernal Pool Invertebrate	Field Survey	Contract	1.00	10,000.00	10,000.00	5.0	10.0	2,200.00
Vernal Pool Quantitative	Field Data Collection	L. Hours	12.00	65.00	780.00	5.0	10.0	171.60
Vernal Pool Quantitative	Field Data Collection	L. Hours	166.00	56.00	9,296.00	5.0	10.0	2,045.12
Sub-Total								7,236.24
FIELD EQUIPMENT								
Camera Digital (A)	For Photo Reference	Item	1.00	900.00	900.00	10.0	10.0	99.00
Chemical Sprayer	5 Gallon	Item	1.00	66.55	66.55	10.0	10.0	7.32
GPS Rental (A)	GPS for Photo Reference, Day	Day	1.00	150.00	150.00	1.0	10.0	165.00
Sub-Total								271.32
HABITAT MAINTENANCE								
Adaptive Management	Review and Implement	L. Hours	12.00	65.00	780.00	5.0	10.0	171.60
Adaptive Management	Review and Implement	L. Hours	12.00	69.00	828.00	5.0	10.0	182.16
Burning Permit	Permit, Base Fee	Fee	1.00	500.00	500.00	5.0	10.0	110.00
Controlled Burning	Local Agency	L. Hours	12.00	69.00	828.00	5.0	10.0	182.16
Controlled Burning	Local Agency	L. Hours	8.00	65.00	520.00	5.0	10.0	114.40
Controlled Burning	Local Agency	L. Hours	8.00	56.00	448.00	5.0	10.0	98.56
Exotic Plant Control	Backpack Spray	L. Hours	16.00	30.00	480.00	3.0	10.0	176.00
Exotic Plant Control	Herbicide	Gallon	6.00	21.18	127.08	3.0	10.0	46.59
Exotic Plant Control	Livestock Grazing -	L. Hours	24.00	69.00	1,656.00	1.0	10.0	1,821.60
Exotic Plant Control	Livestock Grazing -	L. Hours	8.00	69.00	552.00	5.0	10.0	121.44
Exotic Plant Control	Livestock Grazing -	L. Hours	4.00	65.00	260.00	5.0	10.0	57.20
Exotic Plant Control	Mow	L. Hours	8.00	30.00	240.00	3.0	10.0	88.00
Sub-Total								3,169.71
HABITAT RESTORATION								
Debris Removal (B4)	Annual Trash Collection	L. Hours	24.00	30.00	720.00	1.0	10.0	792.00
Debris Removal (B1)	Dump Fee	Each	1.00	181.50	181.50	1.0	10.0	199.65
Sub-Total								991.65
OFFICE MAINTENANCE								
Office Supplies	Supplies	Item	1.00	250.00	250.00	1.0	10.0	275.00
Sub-Total								275.00
OPERATIONS								
Agency Coordination	Joint Management	L. Hours	4.00	65.00	260.00	2.0	10.0	143.00
Agency Coordination	Joint Management	L. Hours	4.00	69.00	276.00	2.0	10.0	151.80
Education & Land	Meetings	L. Hours	9.00	69.00	621.00	1.0	10.0	683.10
General Site Inspection	Site Visits	L. Hours	12.00	69.00	828.00	1.0	10.0	910.80
Travel	Mileage	Miles	800.00	1.18	944.00	1.0	10.0	1,038.40
Sub-Total								2,927.10
PUBLIC SERVICES								
Sign, Aluminum (C1)	Aluminum 12" X 12"	Item	100.00	22.00	2,200.00	10.0	10.0	242.00

Section 15 - Ongoing Tasks and Costs

Property Title: Van Vleck Ranch Mitigation Bank

PAR ID: VVMB

3/23/2009

Task List	Specific Description	Unit	Number of Units	Cost / Unit	Annual Cost	Years Divide	Cont %	Total Cost
Sub-Total								
REPORTING								
Aerial Photo (A1)	Digital Geo-referenced	Flight	1.00	600.00	600.00	5.0	10.0	132.00
Agency Report	Annual Report	L. Hours	8.00	65.00	520.00	1.0	10.0	572.00
Agency Report	Annual Report	L. Hours	24.00	56.00	1,344.00	1.0	10.0	1,478.40
Agency Report	Annual Report	L. Hours	2.00	69.00	138.00	1.0	10.0	151.80
CE Compliance Report	Annual Compliance	L. Hours	12.00	56.00	672.00	1.0	10.0	739.20
CE Compliance Travel	Mileage	Mileage	50.00	1.18	59.00	1.0	10.0	64.90
CE Monitor Field Visit	CE Compliance	L. Hours	8.00	56.00	448.00	1.0	10.0	492.80
CE Report Supplies	Office Supplies for Annual	Item	1.00	200.00	200.00	1.0	10.0	220.00
Report Production	Labor	L. Hours	4.00	35.00	140.00	1.0	10.0	154.00
Sub-Total								4,005.10
SITE CONSTRUCTION/MAINT.								
Fence (C1)	Labor	L. Hours	32.00	30.00	960.00	5.0	10.0	211.20
Fence - Installed (C1)	Barbed-wire, 4 Strd.	Lin. Ft.	2,700.00	3.63	9,801.00	5.0	10.0	2,156.22
Gate, Classic (C1)	Powder River, classic	Item	1.00	229.60	229.60	15.0	10.0	16.83
Sub-Total								2,384.25
Subtotal								21,502.38
Administration								5,160.57
Total								26,662.95



A Funding

Exhibit D-2 of the BEI summarizes the anticipated costs of long-term management for the Bank. These costs include estimates of time and funding needed to conduct the basic monitoring site visits and reporting, weed mowing, trash removal, and annual fence maintenance and repair. The total annual funding anticipated is \$26,663, therefore, with the current annual estimated capitalization rate of 4.5% the total endowment amount required will be \$592,510.

The Center for Natural Lands Management, or DFG, shall hold the endowment principal and interest monies as required by law in a subsequent state-authorized trustee fund, which consists of monies that are paid into it in trust pursuant to law, and interest is dispersed to fulfill the purposes for which payments into it are made. These interest monies will fund the long-term management, enhancement, and monitoring activities on habitat lands in a manner consistent with this long-term management plan.

- Necesidades anuales: 26.663 \$
- Tasa capitalización estimada: 4,5%
- Depósito no consumible: 592.510 \$

Depósito no consumible (*Endowment*)

Garantía de financiación permanente

- Rendimiento anual se destina a los gastos del plan de gestión.
- Gestionado por gestor cualificado independiente (gralmente ONGs, “Land Trust” acreditadas)



ENDOWMENT MANAGEMENT AGREEMENT BY AND BETWEEN WESTERVELT ECOLOGICAL SERVICES AND CENTER FOR NATURAL LANDS MANAGEMENT FOR THE ESTABLISHMENT AND MANAGEMENT OF VAN VLECK RANCH MITIGATION BANK ENDOWMENT FUND

This ~~Endowment Management Agreement~~ for the creation and management of Van Vleck Ranch Mitigation Bank Stewardship Endowment Fund ("Agreement") is made and entered into this ____ day of _____, 2009 ("Effective Date") by Westervelt Ecological Services ("Westervelt" or "Bank Sponsor") and the Center for Natural Lands Management, a California public benefit corporation ("Center"), also referred to herein individually as a "Party" and collectively as the "Parties, on behalf of the public as well as natural resource conservation in the State of California.

RECITALS

A. The people of the State of California and the United States, as represented by the California Attorney General and the California Department of Fish and Game ("CDFG"), the U.S. Army Corps of Engineers ("USACE"), the U.S. Environmental Protection Agency ("USEPA"), and the U.S. Fish and Wildlife Service ("USFWS"), on behalf of natural resource conservation, are the beneficiaries of the endowment account created by this Agreement.

B. Westervelt creates mitigation banks, including the Van Vleck Ranch Mitigation Bank ("Mitigation Bank"), and provides environmental mitigation and habitat planning services.

C. Center is a 501(c)(3) nonprofit organization that preserves natural habitats, native species and functioning ecosystems, and owns and manages lands in an ecologically beneficial manner, and has been authorized by the CDFG to hold and administer endowment funds in accordance with the terms and conditions set forth below.

D. CDFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary for biologically sustainable populations of these species pursuant to California Fish and Game Code §1802. USEPA and USACE have jurisdiction over waters of the U.S. pursuant to the Clean Water Act, 33 U.S.C. §1251 *et seq.* Waters of the U.S. include jurisdictional wetlands. USFWS, an agency within the U.S. Department of the Interior, has jurisdiction over the conservation, protection, restoration and management of fish, wildlife, native plants, and the habitat

Garantías sobre los terrenos

Conservation easement

- Limitaciones y obligaciones de conservación permanentes sobre los usos y aprovechamientos, jurídicamente vinculantes.
- Limitaciones al dominio inscritas en los títulos de propiedad. 3ª parte independiente (generalmente ONGs acreditadas) que se vigilan su cumplimiento



CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT RECORDED ON 4/23/09 UNDER RECORDER'S SERIES NO 931 Sacramento COUNTY RECORDS BY [Signature]

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:
First American Title Company
#391762
Sacramento Valley Conservancy
P.O. Box 163351
Sacramento, CA 95816
Attn: Aimee Rutledge

Space Above Line for Recorder's Use Only

CONSERVATION EASEMENT DEED
Van Vleck Ranch Mitigation Bank

THIS CONSERVATION EASEMENT DEED ("Conservation Easement") is made as of the 23rd day of APRIL, 2009, by Van Vleck Ranching and Resources Corporation ("Grantor"), in favor of Sacramento Valley Conservancy ("Grantee"), with reference to the following facts:
*a California corporation

RECITALS
**a California nonprofit public benefit corporation

Grantor is the sole owner in fee simple of certain real property containing approximately 1792 acres, located in the community of Rancho Murietta, County of Sacramento, State of California, and designated Assessor's Parcel Numbers 128-0080-118, 128-0100-025, 029, 032, 034, and 040 ("Property"). The Property is legally described in Exhibit A and depicted in Exhibit B attached to this Conservation Easement and incorporated in it by this reference. This Conservation Easement Deed is to be recorded on a 775.03 acre portion of the Property ("Bank Property"), as depicted on Exhibit B and legally described in Exhibit C to the Conservation Easement.

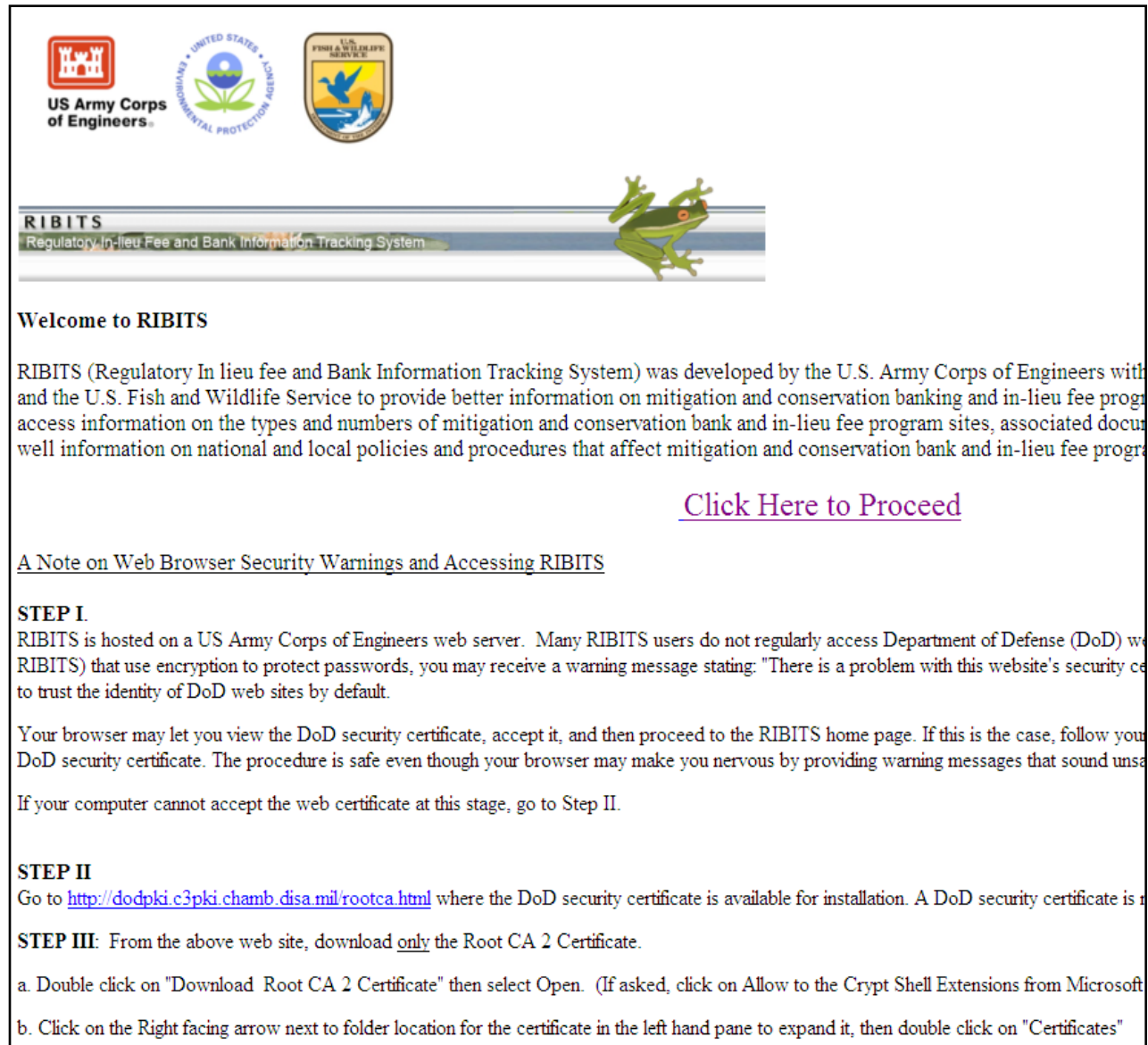
A. The Bank Property possesses wildlife and habitat values of great importance to Grantee, the people of the State of California and the people of the United States. The Bank

1 Van Vleck Ranch Conservation Easement

Registro público

RIBITS

- Registro público dependiente de las agencias reguladoras
- Asegura transparencia
- Cuando son utilizados para compensar impactos, son retirados del registro de créditos disponibles



The screenshot shows the top of the RIBITS website. At the top, there are three logos: the US Army Corps of Engineers logo, the Environmental Protection Agency logo, and the U.S. Fish and Wildlife Service logo. Below the logos is a horizontal bar with the text "RIBITS" and "Regulatory In-lieu Fee and Bank Information Tracking System" in a green box. To the right of the bar is a green frog illustration. Below the bar, the text "Welcome to RIBITS" is displayed. The main body of the page contains a paragraph explaining that RIBITS was developed by the U.S. Army Corps of Engineers with the U.S. Fish and Wildlife Service to provide better information on mitigation and conservation banking and in-lieu fee programs. It mentions that users can access information on the types and numbers of mitigation and conservation bank and in-lieu fee program sites, associated documents, and well information on national and local policies and procedures that affect mitigation and conservation bank and in-lieu fee programs. Below this paragraph is a purple link that says "Click Here to Proceed". Underneath the link is a section titled "A Note on Web Browser Security Warnings and Accessing RIBITS". This section contains three steps: STEP I, STEP II, and STEP III. STEP I explains that RIBITS is hosted on a US Army Corps of Engineers web server and that many users do not regularly access Department of Defense (DoD) websites that use encryption to protect passwords, so they may receive a warning message stating: "There is a problem with this website's security certificate." It advises users to trust the identity of DoD web sites by default. STEP II instructs users to go to <http://dodpki.c3pki.chamb.disa.mil/rootca.html> where the DoD security certificate is available for installation. STEP III instructs users to download only the Root CA 2 Certificate. It then lists two sub-steps: a. Double click on "Download Root CA 2 Certificate" then select Open. (If asked, click on Allow to the Crypt Shell Extensions from Microsoft) b. Click on the Right facing arrow next to folder location for the certificate in the left hand pane to expand it, then double click on "Certificates"

US Army Corps of Engineers

ENVIRONMENTAL PROTECTION AGENCY

U.S. FISH AND WILDLIFE SERVICE

RIBITS
Regulatory In-lieu Fee and Bank Information Tracking System

Welcome to RIBITS

RIBITS (Regulatory In lieu fee and Bank Information Tracking System) was developed by the U.S. Army Corps of Engineers with the U.S. Fish and Wildlife Service to provide better information on mitigation and conservation banking and in-lieu fee programs. It provides access information on the types and numbers of mitigation and conservation bank and in-lieu fee program sites, associated documents, and well information on national and local policies and procedures that affect mitigation and conservation bank and in-lieu fee programs.

[Click Here to Proceed](#)

A Note on Web Browser Security Warnings and Accessing RIBITS

STEP I.
RIBITS is hosted on a US Army Corps of Engineers web server. Many RIBITS users do not regularly access Department of Defense (DoD) websites (RIBITS) that use encryption to protect passwords, you may receive a warning message stating: "There is a problem with this website's security certificate." To trust the identity of DoD web sites by default.

Your browser may let you view the DoD security certificate, accept it, and then proceed to the RIBITS home page. If this is the case, follow your browser's instructions to accept the DoD security certificate. The procedure is safe even though your browser may make you nervous by providing warning messages that sound unsafe.

If your computer cannot accept the web certificate at this stage, go to Step II.

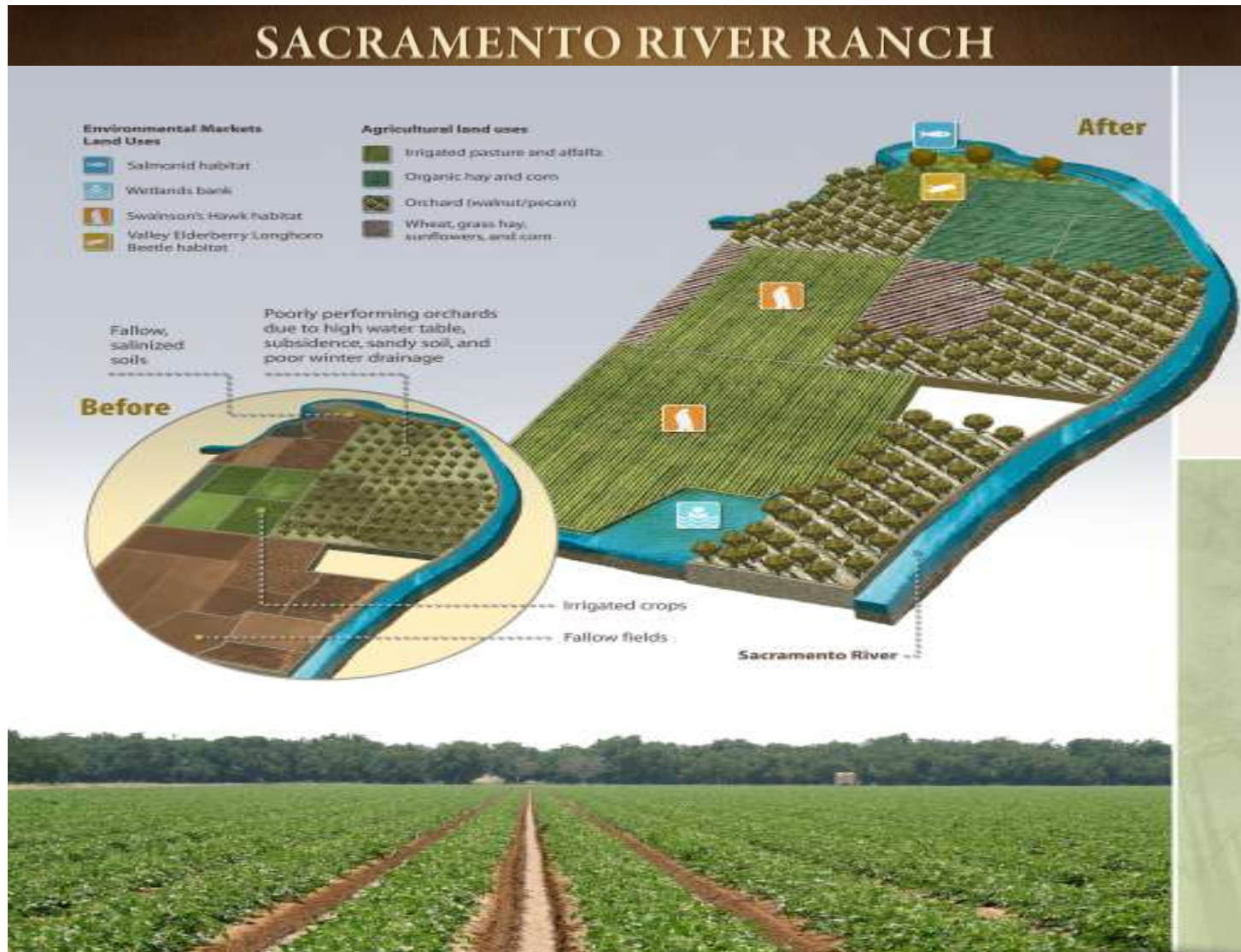
STEP II
Go to <http://dodpki.c3pki.chamb.disa.mil/rootca.html> where the DoD security certificate is available for installation. A DoD security certificate is required to access RIBITS.

STEP III: From the above web site, download only the Root CA 2 Certificate.

a. Double click on "Download Root CA 2 Certificate" then select Open. (If asked, click on Allow to the Crypt Shell Extensions from Microsoft)

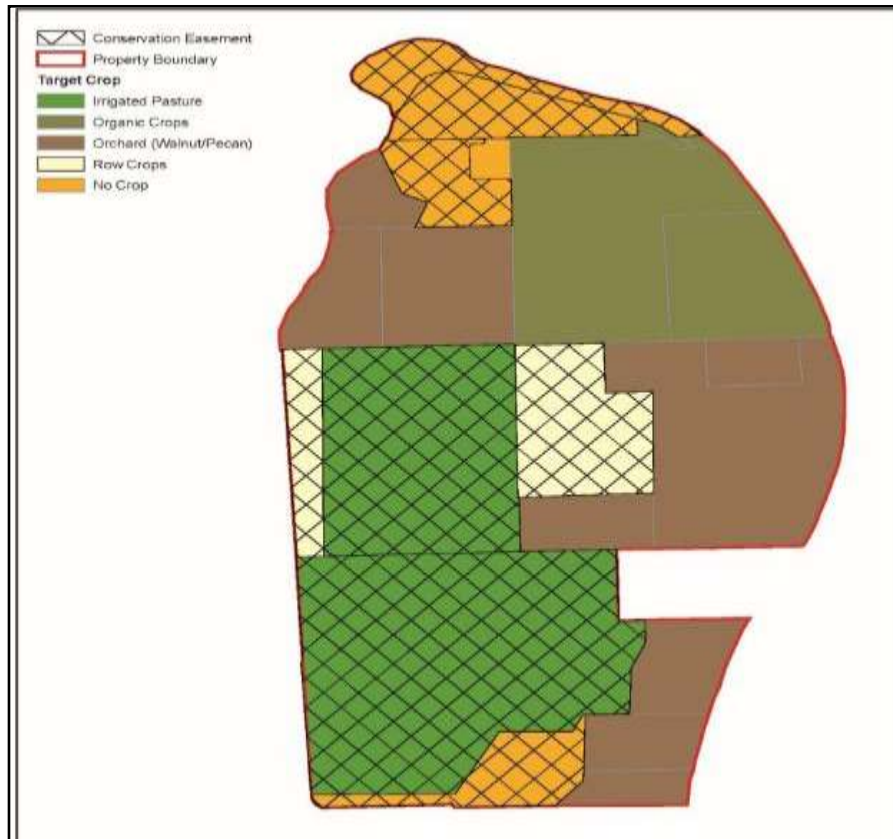
b. Click on the Right facing arrow next to folder location for the certificate in the left hand pane to expand it, then double click on "Certificates"

Ejemplo de explotación modelo en California programa “farm for the future”



Sacramento River Ranch 4 bancos (Protección permanente de los terrenos + Acciones de conservación específicas)

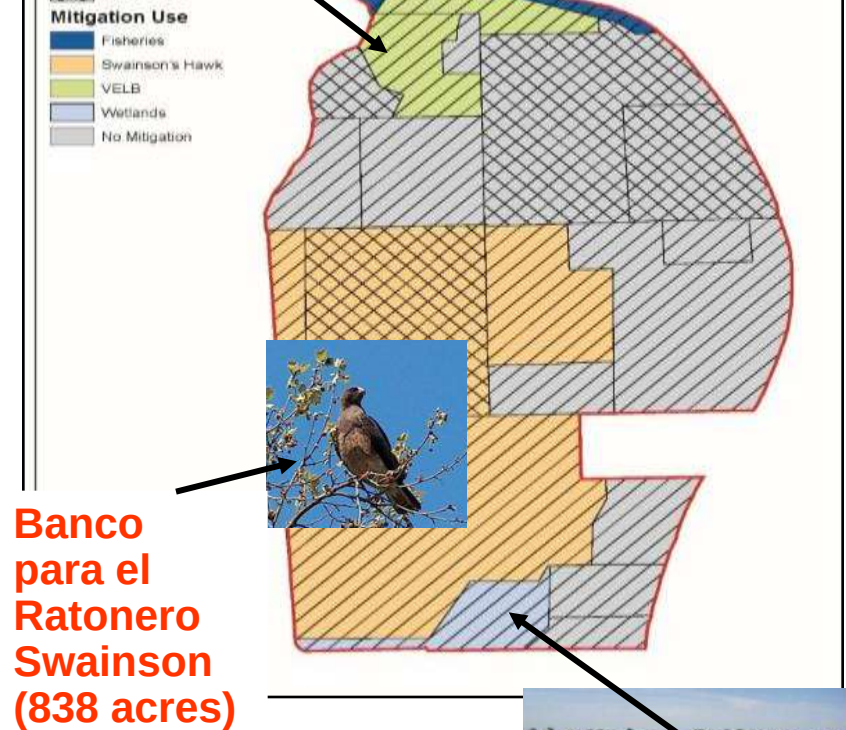
Usos y aprovechamientos generales



Banco para el Elderberry Beetle (234 acres)



Banco para Salmonidos (96 acres)



Banco para el Ratonero Swainson (838 acres)



Banco creación humedal (838 acres)



Finca Sacramento River Ranch

“Elderberry Longhorn Beetle Conservation Bank”

- **234 acres** de bosque ripario en un terreno de 3600 acres en el Río Sacramento
- Creación de bosque de Sambucus (Plantación y mantenimiento permanente posterior)
- **1 crédito = 1.800 pies cuadrados de bosque Sambucus**

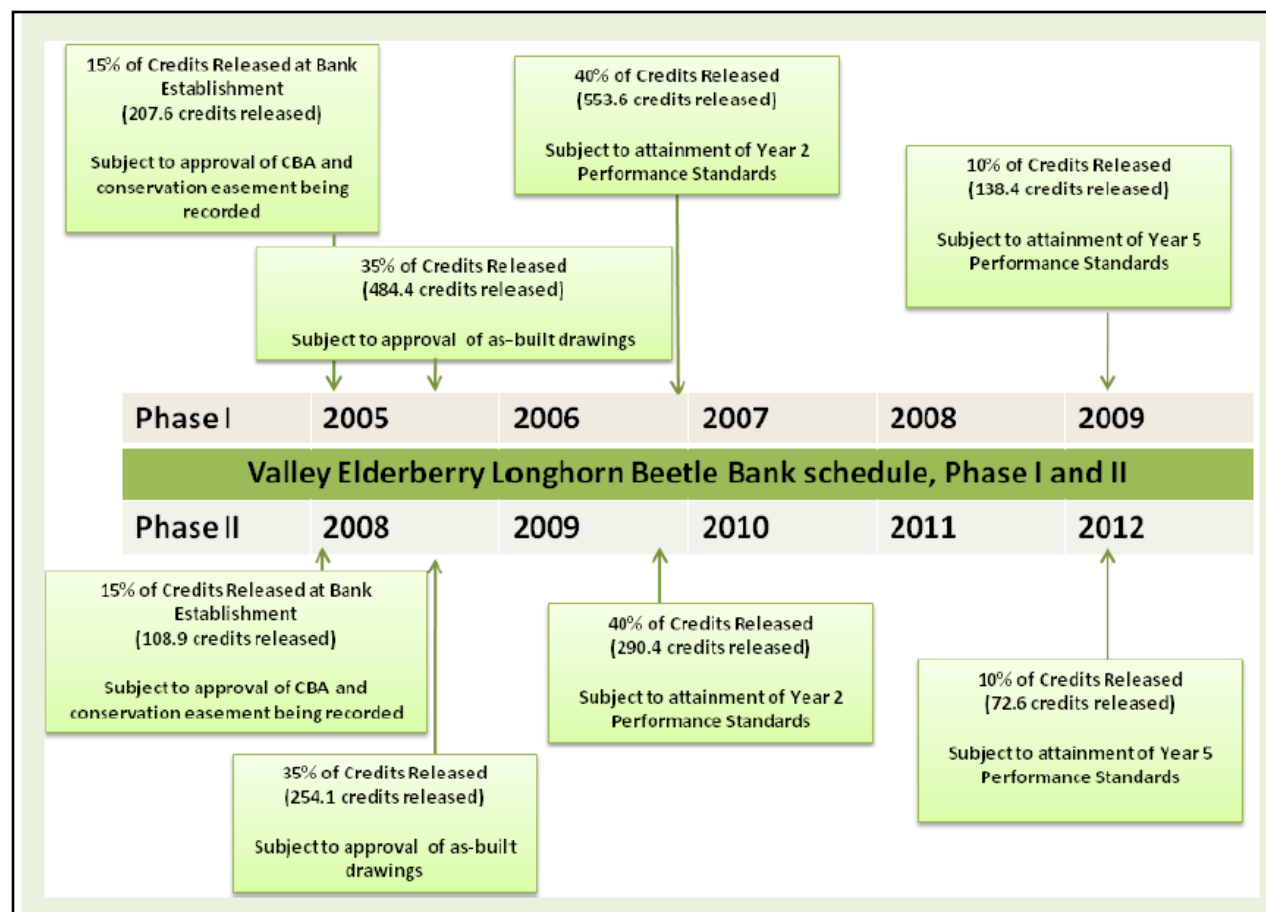


River Ranch Valley Elderberry Longhorn “Beetle Conservation Bank”

Planificación de liberación de créditos

-15%: firma
servidumbre
conservación

-17% cada año
hasta 5 años,
según se va
completando la
plantación de
sambucos



Sacramento River Ranch (Fuente USDA)

Farm Revenue Sources (Gross), Average 2008-2009

Source	Revenue	Customer
 Valley Elderberry Longhorn Beetle credits	40%	Public and private local area developers
 Salmonid habitat credits	7%	Private developers, Army Corps of Engineers
 Swainson's Hawk habitat	6%	Developers for habitat destruction mitigation
 Annual crops and pasture	9%	Various
 Nut orchards	21%	Nut shellers
 Surface water rights	5%	Farmers or cities south of the Delta
 Other (rental income)	12%	Local farmers

**Venta créditos
(53% ingresos)**

Banco Salmonidos 100.000\$/ac

Banco Elderberry Beetle 85.000\$/ac

Banco Ratonero Swainson 7.500\$/ac

Banco Humedal 100.000\$/ac



Los Bancos de conservación son terrenos restaurados que quedan “blindados” para conservación, asegurando la financiación y de las actuaciones necesarias para ello y para su monitorización



Custodia perfecta

Custodia del Territorio y Bancos de Conservación

(Fuente: Inventario 2010 Red de Custodia, Plataforma de Custodia del Territorio FB)

Actuaciones Entidades de Custodia	Nº	%	Bancos
Actuaciones de conservación de valores naturales o patrimoniales	560	41.9	S (VN) N (VP)
Actuaciones de uso sostenible de los recursos de la finca	87	6.5	(Adicionales)
Actuaciones de restauración de la finca	84	6.3	S
Asesoramiento técnico o jurídico para la gestión de la propiedad	83	6.2	N
Adquisición de derechos para mantenerlos inactivos	45	3.37	(Adicionales)
Actuaciones de habilitación de la finca para el uso público	22	1.65	N
Vigilancia y seguimiento sobre la gestión	3	0.22	S
Adquisición de elementos singulares para protegerlos de una amenaza	1	0.07	S
Sin datos	451	33.76	
Total	1336	100	

Papel fundamental de ONG especializadas (Land trust)

Posibilidad de múltiples roles

- Monitorizar el cumplimiento de los objetivos de conservación.
- Gestionar el depósito (Endowment). Capital invertido responsablemente en conservación.
- Mantenimiento de limitaciones o servidumbres (Easement)
- Ejecución Plan de Gestión
- Comprometidas con la conservación



Papel fundamental de ONG especializadas (Land trust)

- Acreditación (Reputación e independencia)
- Lanzadera para expansión de buenas prácticas a nivel internacional

The screenshot shows the Land Trust Alliance website. The header features the logo and tagline "Together, conserving the places you love" alongside a photo of a group of people. The left sidebar contains navigation links: About, Policy Action, Conservation, Join, Events & News, Land Trusts, and Training. The main content area includes a "YOUR GIFT GOES FURTHER" campaign with sunflowers, a "MAKE A DIFFERENCE >> Donate Now!" button, and a "CONSERVATION NEWS" section with a link to "Land Conservation Advancements Set to Stall This Month". A "POLICY UPDATE" section is partially visible at the bottom left.

The image shows the cover of a report from The Nature Conservancy. The header includes the organization's logo and tagline "Protecting nature. Preserving life.". The main title is "IDENTIFYING CONSERVATION PRIORITIES IN THE FACE OF FUTURE DEVELOPMENT: APPLYING DEVELOPMENT BY DESIGN IN THE GRASSLANDS OF MONGOLIA" in large green letters. The year "2011" is displayed at the bottom right.

Los Bancos de Conservación de la Naturaleza como forma particular de hacer custodia del territorio

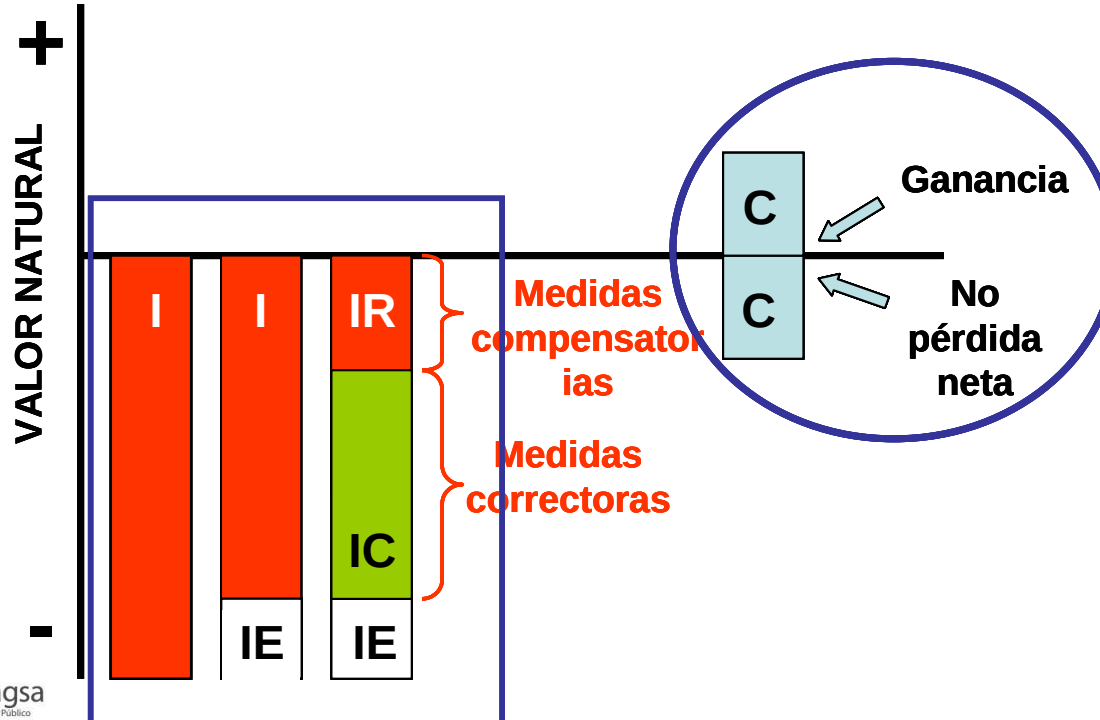
Los Bancos de Conservación de la Naturaleza como herramienta de compensación ecológica



Necesidad legal de evaluar y mitigar adecuadamente las afecciones al medio ambiente

Ley 21/2013 de Evaluación Ambiental (novedades)

- Art. 2 Refuerzo de los principios de acción preventiva y cautelar, corrección y compensación de los impactos sobre el medio ambiente.
- Artículo 41. DIA, Naturaleza jurídica determinante: c)Medidas para prevenir, corregir y, en su caso, **compensar** los efectos adversos sobre el medio ambiente; d) medidas **compensatorias** caso art 45 Ley PNB
- Anexo VI. Criterios técnicos. Definición de impacto residual y acciones *de restauración, o de la misma naturaleza y efecto contrario al de la acción emprendida*



Esquema de la Jerarquía de mitigación (Modificado de Quétier y Lavorel 2011)

I: Impacto

IE: Impacto evitado

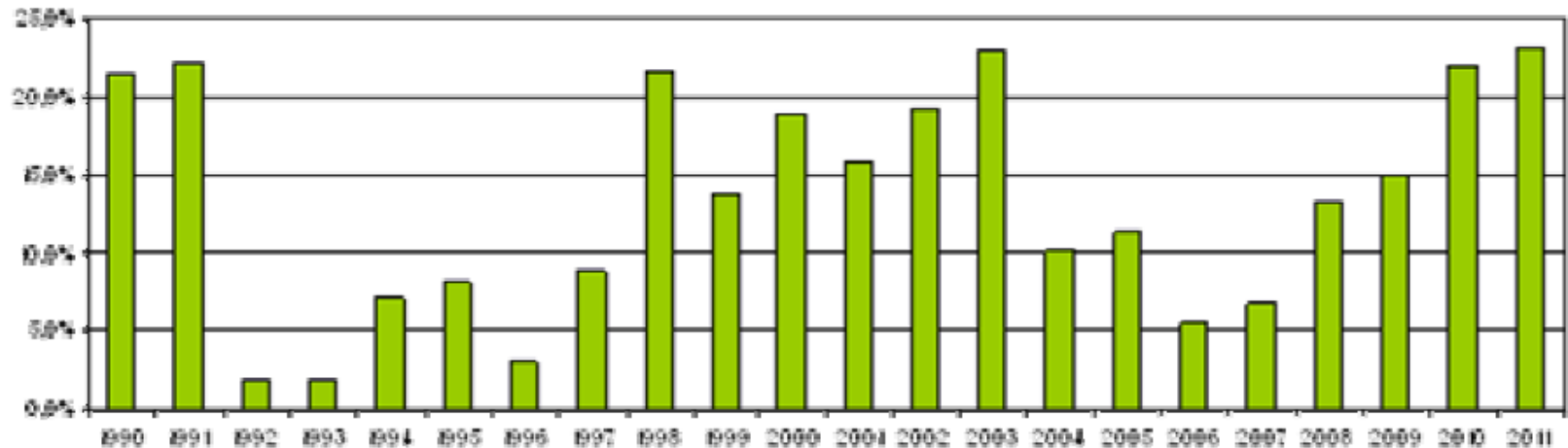
IC: Impacto corregido

IR: impacto residual

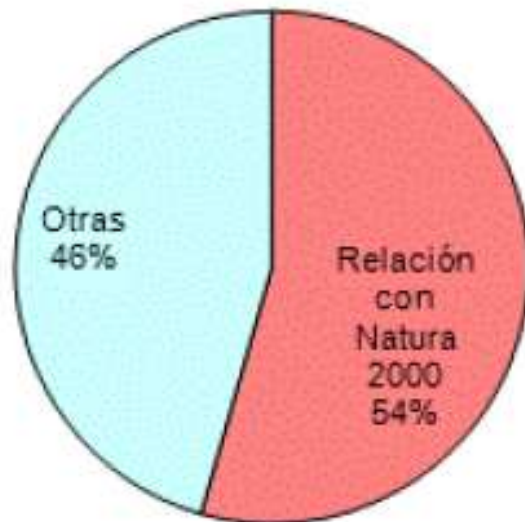
C: Compensación

CEDEX (2011). Análisis de medidas compensatorias en las DIA

Porcentaje DIAs con medidas compensatorias, periodo 1990 - 2011



- Desde el inicio de la evaluación ambiental
- Durante o posterior a la realización de la obra
- 4 tipos:
 - insitu y exsitu
 - en especie (ecológica)
 - no en especie
 - pagos indemnizatorios

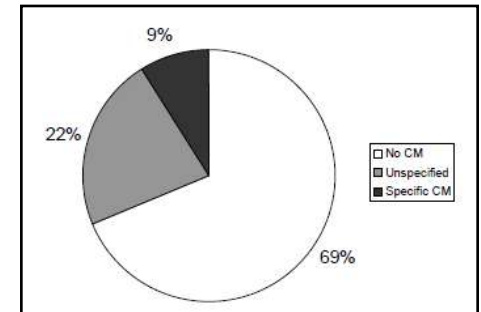


**Desde Directiva Habitats:
Compensatorias vs Complementarias**

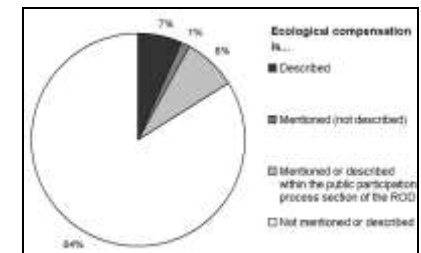
Cifras de estudios relevantes

Villarroya 2012

- 1308 DIA analizadas (2006-2007): 69% de los casos no se contemplaron medidas compensatorias de ningún tipo, 22% se mencionaron pero no se describieron, 9% se describieron.



- Compensación “ecológica o en especie” 84% de los casos no se contempló en proyectos de desarrollo en el ámbito costero español, en las DIA, periodo 2001-2011.



CEDEX 2011: Ej de Medidas compensatorias en DIA (1990 – 2011)
Prácticamente en el 100% de los casos, la medidas compensatorias, sea cual sea su naturaleza, se contemplan durante o posteriormente a la realización de la obra; detectándose como un gran hándicap la necesidad de adquisición de tierras y acuerdos de gestión con propietarios.

Arce et al 2006. Control de la Eficacia de las medidas en infraestructuras lineales. **¿Desarrollo de algún tipo de evaluación?**

- Fase construcción (36-64%),
- Fase explotación (2-18%),

Experiencia de la medidas compensatorias en España

Diagnóstico del Plan Estratégico del Patrimonio Natural y de la Biodiversidad (R.D. 1274/2011):

*“las medidas compensatorias **no se diseñan** siempre de forma adecuada, **no responden** al principio de compensar los daños producidos a hábitats o especies y **se detectan carencias** en el seguimiento de su aplicación y eficacia una vez formuladas las DIAs”*

Existe pérdida de biodiversidad por la acumulación de pequeños impactos. La suma de sucesivos proyectos puede ir produciendo una gradual pérdida de hábitats

Razones de los problemas

Requieren la **adquisición o la gestión de los terrenos** no afectados directamente por el proyecto. Complejo y difícil por:

- escasez de terrenos / precios de compra desorbitados
- difícil encaje legal de las expropiaciones
- dificultades entendimiento administraciones, rechazo de propietarios
- inseguridad en caso de quiebra de promotores responsables de ejecutar las medidas compensatorias.

**Los bancos de conservación pueden
ayudar en esta problemática**

Using Economic and Regulatory Incentives to Restore Endangered Species: Lessons Learned from Three New Programs

DAVID S. WILCOVE* AND JOON LEE†

*Woodrow Wilson School, Princeton University, Princeton, NJ 08544, U.S.A., email dwilcove@princeton.edu
†74 Little Hall, Princeton University, Princeton, NJ 08544, U.S.A.

ABSTRACT: We studied three new incentive-based programs for restoring endangered species on private lands in the United States: safe harbor, Environmental Defense's Landowner Conservation Assistance Program, and conservation banking. For each program, we gathered data on the number of participating landowners, the number of species targeted for assistance, and the cumulative acreage of enrolled land. Measured in this way, both safe harbor and the Landowner Conservation Assistance Program have been remarkably successful. Landowners are drawn to three aspects of these programs: (1) the removal of regulatory burdens associated with attracting endangered species to their property; (2) technical guidance on how to restore habitats for endangered species; and (3) cost-share assistance for habitat restoration. Technical guidance appears to be more important than either regulatory relief or financial assistance in securing the cooperation of some landowners. Assessing the success or failure of conservation banking proved more difficult, given the relatively small number of banks created to date and the lack of any centralized database on them. However, nearly half of the 47 endangered-species conservation banks we surveyed have sold credits, indicating some success in either acquiring or restoring essential habitats.

- **Herramienta proactiva**, contrapunto a limitarse simplemente a minimizar los negativos (Pope et al., 2004; McKenney, 2005; EPA, 2006; van Merwyk & Daddo, 2007; Weaver et al. 2008; BBOP, 2009).

- No exenta de críticas, en parte por su reciente desarrollo, es la única herramienta para tratar de revertir los impactos residuales del desarrollo, **siempre que se aplique como una solución de último recurso para compensar impactos residuales y no para justificar una gestión ambiental deficiente** (Damarad & Bekker, 2003; Escorcio Bezerra, 2007, Burgin, 2008).
- Incluso aunque no ofrezca unos resultados óptimos, la compensación ecológica será una **opción mejor que la simple admisión de pérdidas ecológicas** o la compensación no en especie (Hayes & Morrison-Saunders, 2007).

“BBOP principles”: principios operativos a nivel internacional

1. Adherencia a la jerarquía en la mitigación
2. Límites a lo que se puede compensar
3. Contexto del paisaje: resultados medibles
4. No pérdida neta
5. Adicionalidad
6. Participación de todos los actores
7. Equidad: reparto justo de riesgos y beneficios
8. Largo plazo: como los daños ocasionados preferible a perpetuidad
9. Transparencia
10. Ciencia y conocimiento tradicional

<http://bbop.forest-trends.org/pages/excomm>



ERAMET



Government of
the Netherlands



U.S. Fish & Wildlife Service
Endangered Species

Ecological Services

Search Endangered Species Database ☐ Species ☐ Endangered Species ☐ USFWS

ES Home Species What We Do For Landowners Permits Grants News About Us FWS Regions Laws & Policies Library For Kids

You Are Here: [ES Home](#) » For Landowners - Conservation Banking

For Landowners | Conservation Banking

Habitat Conservation Plans (HCPs)

Safe Harbor Agreements

Candidate Conservation Agreements

Candidate Conservation Agreements with Assurances

Recovery Credits

Conservation Banking

Conservation Plans Database



(top left): Gopher Tortoise (juvenile)
 Photo credit: Randy Browning, USFWS

(bottom left): Valley Elderberry Longhorn Beetle (female)
 Photo credit: Brian Hansen, USFWS

(right): Florida Panther
 Photo credit: George Gentry, USFWS

Featured Bank

Ohlone Preserve Conservation Bank



Three rare species in California are benefiting from a property

Corriente a nivel mundial

- EEUU, Australia, Alemania, Francia, Brasil
- En proceso: Canadá, UK, Perú, Colombia, Suecia, Holanda, Sudáfrica, P.N. Guinea, N Zeland, Vietnam, Japón, Mongolia
- Iniciativas voluntarias de compañías multinacionales en terceros países

To No Net Loss and Beyond
 An Overview of the Business and Biodiversity Offsets Programme (BBOP)



BBOP
 Business and Biodiversity Offsets Programme

2011 Update
State of Biodiversity Markets
 Offset and Compensation Programs Worldwide



Beware perverse incentives (US example)



Own mitigation:



(Easy) Submit plans to Army Corps of Engineers for approval. Then can damage before mitigation. No stringent ecological standards on wetland quality, function etc. Maybe no monitoring.

In-lieu-fees:



(Easy) If public agency/non profit agreed to mitigate, approval for damage before mitigation. Little oversight/standards.

Mitigation banks:



(Difficult) Held to strictest standards. Projects completed before credits sold. Completion requires conservation easements setting aside land in perpetuity. Substantial cash bond, to ensure long-term viability. Strict ecological standards.

New regulations effective June 9, 2008:

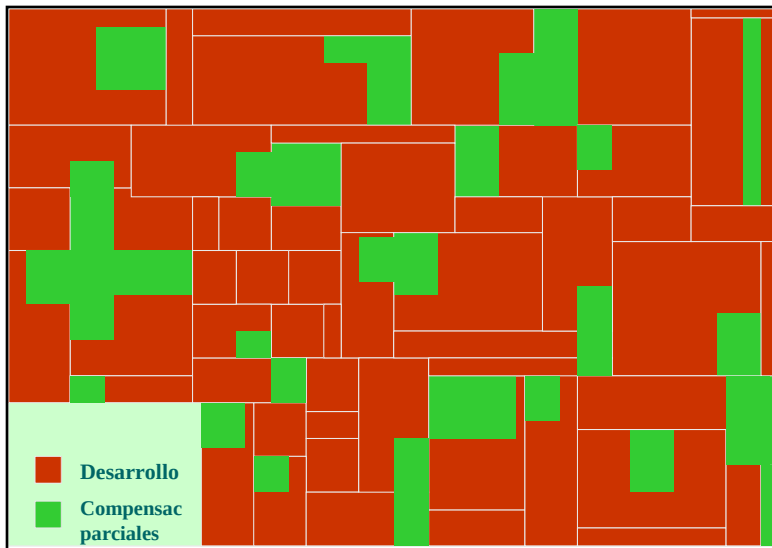
- Promote one standard for mitigation.
- Preference for mitigation banking.

Kerry Ten Kate 2013. NNL policies and offsetting lessons from experiences outside the EU. Bruselas. Julio 2013

Resultados de las experiencias en EEUU

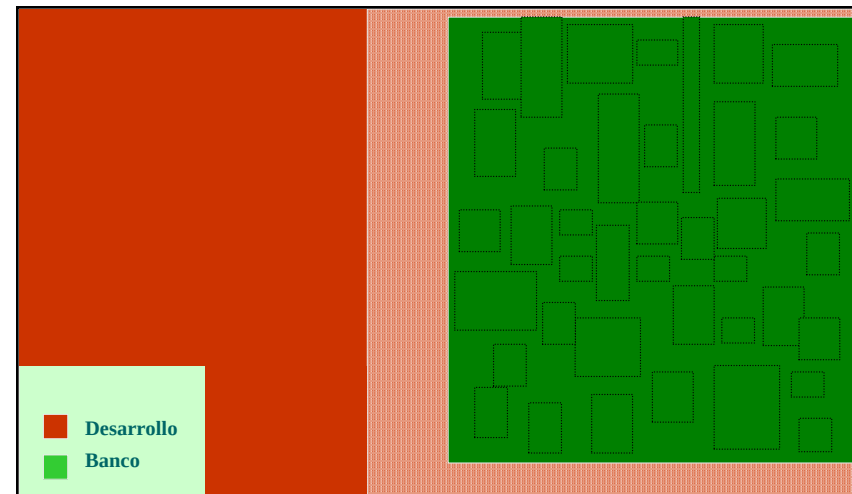
Ventajas ecológicas por la escala:

- Más acorde a las necesidades de las especies y hábitats.
- Favorece la restauración de una única área extensa en vez de la restauración de muchas áreas pequeñas cuyo valor es menor.
- Vincula varias medidas de compensación para restaurar un lugar extenso o costoso de recuperar.



Planificación sin bancos: poca funcionalidad y conectividad ecológica, impactos acumulados de muchos proyectos no son compensados adecuadamente.

Planificación con bancos: alta funcionalidad y conectividad ecológica, compensación eficiente de impactos múltiples acumulados.



Fuente: Modificado de W. White (Wildlands 2012)

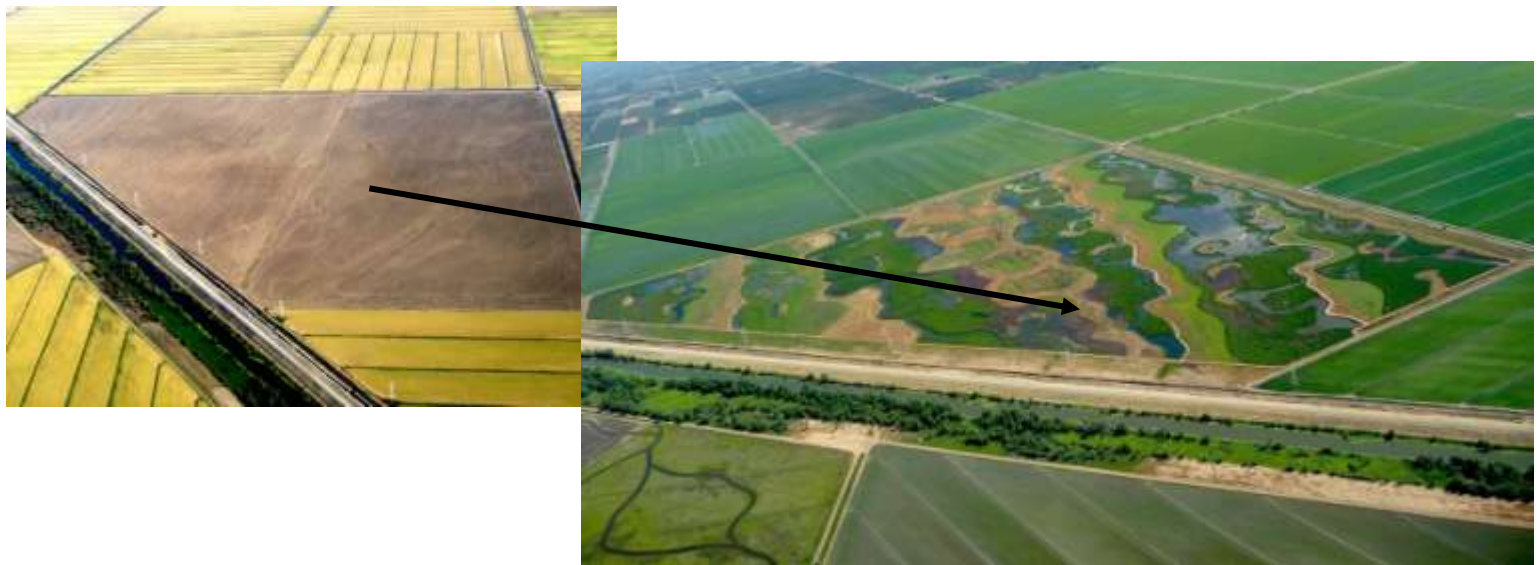
Resultados de los bancos compensación eficiente

La compensación es en especie y previa al daño: la venta de créditos se autoriza una vez el banco está en funcionamiento.

Tramitación de expedientes: seguridad jurídica, agilización.

Mayores garantías que la compensación tradicional: se requieren garantías sobre la propiedad, financieras y de gestión y monitorización del cumplimiento de los objetivos de conservación.

Valorizan la conservación de la **biodiversidad**. Estimulan la iniciativa e inversión privadas (cada banco tiene detrás un fondo de capital invertido)



Impact mitigation regulation

The main principles of the German impact mitigation regulation

Mitigation banking and compensation pools: improving the effectiveness of impact mitigation regulation in project planning procedures

Wolfgang Wende, Alfred Herberg and Angela Herzberg

Germany has an important planning instrument with a focus on preserving nature and the landscape: impact mitigation regulation. The planned mitigation and compensation measures are mandatory and legally binding. It is hoped that the way will now be open for innovative solutions by 'compensation pools'. This paper gives a brief overview of interim research results of a current research project by the Technical University of Berlin, illustrating the general approach of impact mitigation regulation and of compensation pools. It discusses the strengths and weaknesses of the German approach and describes the main criteria defining 'good practice' in establishing these pools. A case study demonstrates the implementation of a pool in Germany.

THE IMPACT MITIGATION regulation (IMR)¹ was adopted in Germany in 1976 as part of the Federal Nature Conservation Act (Peters, 1996). The regulation addresses the mitigation and compensation of impacts stemming from developments and projects. It is of a precautionary nature and a landscape-conservation instrument, which must be applied at the level of individual projects, such as the development of new residential areas or the construction of roads or railways.

The main objectives are the avoidance of significant disturbance or negative effects, and the compensation for impacts on natural assets in reference to habitats, soil, water, climate, air quality and the aesthetic quality of the landscape. At a minimum, the existing ecological situation is to be preserved ('no net loss' (Koepfel et al., 1998)).

Steps of mitigation hierarchy

German Act of Nature Conservation

Article 13

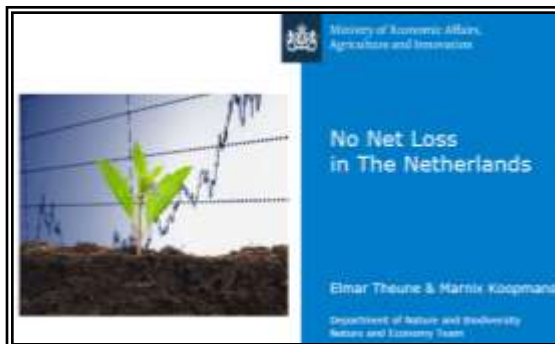
General principle

Intervening parties shall primarily avoid any significant adverse effects on nature and landscape. Unavoidable significant adverse effects are to be offset via compensation measures (Ausgleichsmaßnahmen) or substitution measures (Ersatzmaßnahmen) or, where such offset is not possible, via monetary substitution.

precautinary principle

polluter pays principle

Principle: Problem focussed handling of impacts





Estratégico para la Unión Europea

- Libro Verde sobre la Utilización de Instrumentos de Mercado en la Política de Medio Ambiente y otras Políticas Relacionadas (COM(2007) 140 final)
- Estrategia europea de Biodiversidad (COM (2011) 244 final). Objetivo de no pérdida neta.
- Hoja de Ruta hacia una Europa Eficiente en el uso de los recursos (COM(2011) 571 final)

-Conclusiones Consejo UE Junio y Diciembre de 2011. Desarrollo operativo de la no pérdida neta “*conservation/biodiversity losses in one geographically or otherwise defined area are balanced by a gain elsewhere provided that this principle does not entail any impairment of existing biodiversity as protected by EU nature legislation*”. D Adicional 8ª

-Resolución Parlamento europeo Abril 2012 (P7_TA-PROV(2012)0146). Alta prioridad a la iniciativa de no pérdida neta y el menciona expresamente el “habitat banking”

Iniciativa europea de no pérdida neta prevista para 2015

Grupo de trabajo europeo sobre Estudio específico (Abril 2013) sobre el “hábitat banking”

Diseño y regulación adecuadas que incorpore elementos clave (disposición adicional):

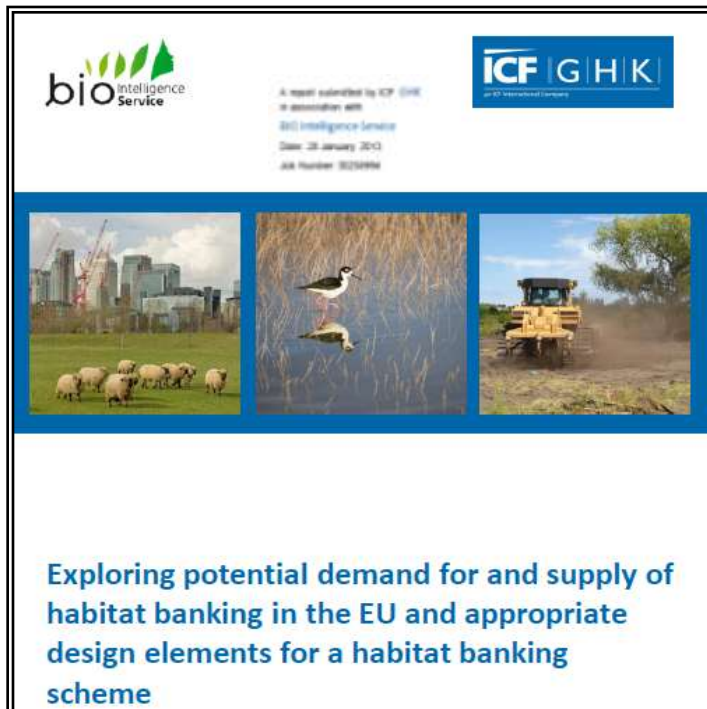
-Jerarquía en la mitigación

-No perdida neta haciendo equivalente las pérdidas a las ganancias

-Adicionalidad

-Seguridad jurídica (garantías financieras y sobre la propiedad de los terrenos para asegurar la conservación de los valores naturales afectados).

Necesaria regulación y papel fundamental administración pública competente



The Natural Capital Financing Facility

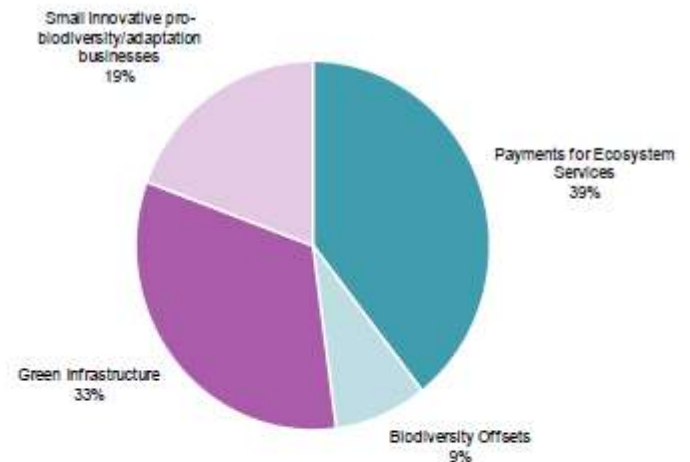
http://ec.europa.eu/environment/basics/natural-capital/index_es.htm



Typology of initiatives

Projects fall into four broad categories

- **Payments for Ecosystem Services:**
payments for the flows of benefits resulting from natural capital
- **Green Infrastructure:** natural and semi-natural areas designed and managed to deliver a wide range of ecosystem services
- **Offsets:** compensation for residual, unavoidable harm to biodiversity caused by development projects
- **Innovative pro biodiversity and adaptation businesses**





Example 3: biodiversity offset

- **What is the project?**
 - Creation of a pooled compensation/habitat bank through restoration of an ecosystem to compensate for development impacts
- **Who are the actors?**
 - **Final beneficiary:** entrepreneur setting up the habitat bank
 - Other actors: infrastructure companies, land owners
- **How does it generate revenues/costs savings?**
 - Selling credits to developers so they can compensate their impacts
- **What barriers would be addressed?**
 - lack of development of the market for biodiversity credits, uncertainty over the market/regulatory environment; lack of track record.
- **How would it work?**
 - NCFF provides loans/equity and expert support to project developers to help create a viable model for the credit-based approach.

Futura implantación en España

- **Conocimientos científicos y experiencia** en gestión y restauración de especies, hábitats y ecosistemas.
- **Información y cartografía** detallada de hábitats/especies protegidas (Inventario Español del PNB).
- Alto porcentaje de hábitats y especies de interés en **terrenos privados**.
- Experiencias de **colaboración** entre administraciones públicas, iniciativa privada y ONGs.
- Entidades potenciales: **consultoras ambientales, Plataforma de Custodia del Territorio** (Fundación Biodiversidad MAGRAMA).
- **Normativa de protección** adecuada: Ley PNB, Ley RM, Ley EA.
- **Marco regulatorio básico** (DA 8ª Ley 21/2013)
- **Desarrollo reglamentario.....**

GRACIAS

