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APPENDIX

A. OTHER STATEWIDE CONSERVATION PLANS

Oregon's Living Landscape: The Oregon Biodiversity Project (1993-1999) was a private sector-based collaborative effort that involved a wide range of interests, including federal, state, and local governments, academia, and industry and conservation organizations. Initiated by Defenders of Wildlife in collaboration with The Nature Conservancy of Oregon and the Oregon Natural Heritage Program, the Oregon project produced a statewide biodiversity analysis and outlined a broad conservation strategy to guide future action. The project developed a number of high quality products, including a full-color atlas that outlined major findings and a separate publication on landowner conservation incentives. The Oregon project has been widely recognized as a model for future biodiversity projects in other states.

Massachusetts BioMap Project: Funded by the Massachusetts Executive Office of Environmental Affairs, the BioMap Project was initiated by the Massachusetts Natural Heritage and Endangered Species Program in the spring of 2000. The goal of the project was "to promote strategic land protection by producing a map showing areas that if protected, would provide suitable habitat over the long term for the maximum number of Massachusetts' terrestrial and wetland plant and animal species and natural communities." Using GIS technology and state rare species and exemplary natural communities data, the BioMap identifies 2,130,000 acres (42% of the state) as important for the long-term conservation of species and natural communities, of which 1,160,000 acres are Core Habitat (23% of the state) and 970,000 acres are Supporting Natural Landscape (19% of the state). The BioMap is now being used as a tool to facilitate informed land conservation decisions throughout Massachusetts. It is being used to help set land acquisition priorities, and the Natural Heritage and Endangered Species Program staff is working to encourage towns to use the BioMap to guide land-use planning decisions and to incorporate it into their next update of Open Space and Recreation Plans.

Maryland GreenPrint Program and Green Infrastructure Assessment: In 2001, Maryland's GreenPrint Program was initiated to protect the remaining ecologically significant lands that would be important for

the long-term survival of the state's native plants and wildlife. The Governor approved \$145 million over five years for the program. The purpose of the program is to "identify, using the most up-to-date computer mapping techniques, the most important unprotected natural lands in the state; link, or connect, these lands through a system of corridors or connectors; and save those lands through targeted acquisitions and easements." As a component of the GreenPrint Program, Maryland's Green Infrastructure Assessment provides a scientifically based, landscape approach to identifying and linking ecologically valuable areas in the state. The purpose of the Assessment was to systematically identify and protect ecologically important lands, address problems of forest fragmentation, habitat degradation, and water quality, maximize the influence and effectiveness of public and private conservation investments, promote shared responsibilities for land conservation between public and private sectors, guide and encourage compatible uses and land management practices and provide coordination and targeting of mitigation efforts to enhance urban environments and land conservation goals.

New Jersey Landscape Project: In 1994, the New Jersey Division of Fish and Wildlife's Endangered and Nongame Species Program initiated a statewide landscape approach to conserving biodiversity, called the Landscape Project. The goal of the project was to protect New Jersey's biodiversity by conserving rare wildlife populations and their habitat. Using Geographic Information Systems (GIS), rare wildlife habitats were mapped by overlaying species occurrence locations with land cover classifications. Identified habitat areas were then ranked according to the endangered status of the species found within the parcel to help prioritize conservation and management options. The project was designed to provide maps that can be reproduced at various scales, benefiting agencies, organizations, and landowners at the state, county, and municipal levels. Furthermore, the project maps have been used to guide planning and regulatory decisions, direct proper management of public conservation areas, provide conservation tools to local communities, such as the townships of Chester and Delaware, and prioritize land acquisition decisions, especially through Green Acres-the state open space acquisition program.

B. GUIDING PRINCIPLES FOR STATES TO CONSIDER IN DEVELOPING COMPREHENSIVE WILDLIFE CONSERVATION PLANS FOR THE STATE WILDLIFE GRANT AND WILDLIFE CONSERVATION AND RESTORATION PROGRAMS

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The International Association of Fish and Wildlife Agencies recommends the following guiding principles for the States, the U.S. Fish and Wildlife Service, and their conservation partners to consider and apply while developing Comprehensive Wildlife Conservation Plans to meet their obligations under the State Wildlife Grant (SWG) and the Wildlife Conservation and Restoration (WCRP) programs.

These Guiding Principles identify goals, objectives, and actions to strive for over time. Few if any will be fully realized in any State under what is hopefully just the first round of conservation program development under SWG and WCRP. Some things must occur from the outset, because they are legally required and/or because they are essential to success. Clearly, broad-scale public participation is an example of one such area. Among the diverse stakeholders in this effort are: private, local, State, and Federal agencies and governments, NGOs, etc.

The Comprehensive Wildlife Conservation Plan provides an opportunity for the State wildlife agency to provide effective and visionary leadership in conservation. The Plan can identify the measures that will be used, the results achieved, and the threats and needs that remain with regard to wildlife and wildlife habitat. It is also an opportunity to address broader issues and programs, including environmental and wildlife-related education, outdoor recreation, and wildlife-related law enforcement. These other areas can constrain, or enhance, wildlife conservation efforts, and funding and public support for wildlife conservation can be increased, or at least stretched, by involving partners that share those interests.

A: PLANNING PROCESS AND PARTNERSHIPS

1. Involve multiple staff levels within each agency, and broad public-private partnerships, to develop and implement the Plan.
2. Involve partners that have the authorities necessary to ensure that the Plan addresses the full range of issues at hand.
3. Build capacity for collaboration among all partners engaged in the effort, and make sure the collaboration is productive, so trust and confidence grow, and organizational and interpersonal relationships

become strengths of the Plan.

4. Share responsibility and credit for planning and implementation among all partners, who collectively share responsibility for success of the Plan.
5. Focus on efficiency and effectiveness, so the value added in planning and implementation is commensurate to the funds invested.
6. Ensure that the planning processes and the resultant Plans are dynamic (so they can be improved and updated efficiently as new information is gained.
7. Communicate effectively with stakeholders, other partners, and the public, early and often.
8. The planning processes, and the decisions made during planning, should be obvious to those who read and use the Plan, and repeatable (document the processes and the decisions so the next planning cycle can build on this one.

B. FOCUS AND SCOPE

1. Base the Plan in the principles of (best science,(best management practices,(and (adaptive management,(with measurable goals, objectives, strategies, approaches, and activities that are complete, realistic, feasible, logical, and achievable. Describe these processes and practices sufficiently that partners understand what they entail and how they should function.
2. Address the broad range of wildlife and associated habitats, with appropriate priority placed on those species of greatest conservation need and taking into account the relative level of funding available for conservation of those species.
3. Integrate and address wildlife-related issues statewide, across jurisdictions and interests, and coordinate with parallel efforts in other States and countries.
4. Combine landscape/ecosystem/habitat-based approaches and smaller-scale approaches (e.g. focal, keystone, and/or indicator species; guilds; species of special concern) for planning and implementation.
5. Make the Plan an effective, long-lasting blueprint for conservation that provides a broad vision and priori-

ties, so a broad array of organizations, including other government agencies and NGOs, can help realize the vision. The Plan should have sufficient flexibility to respond to the full spectrum of conditions and circumstances likely to be encountered within the planning area.

C. FORMAT AND CONTENT

1. Make the Plan readable, understandable, and useful, with well-defined issues, short and long-term goals and objectives, strategies, and realistic measures of performance that enable State agencies and their partners to demonstrate accountability.
2. Make full and effective use of relevant existing information; in particular, integrate appropriate elements of other plans and initiatives (such as Partners-in-Flight and the many regional and other plans), databases, GIS layers, records, reports, other information sources, and management information systems that overlap or complement these Plans.
3. Identify knowledge gaps, as well as areas of knowledge, to help focus future efforts to improve understanding and planning, but do not allow a lack of information to inappropriately limit necessary short-term application of the best available science and good judgment in decision-making.
4. Make the Plan spatially explicit, to the extent feasible and appropriate, with a full complement of GIS and other maps, figures, and other graphics, as well as appropriate text to provide sufficient detail and consistency in describing species and habitat conditions, conservation needs, conservation recommendations, and other issues/actions, so it can be used effectively by all partners.
5. Use threats analyses, risk and stressor assessments, and other techniques to help set priorities for goals, objectives, strategies, and activities.
6. In addition to wildlife, address factors that can have substantial impact on wildlife conservation, such as management of invasive species, wildlife-related and conservation-related education, law enforcement,

and outdoor recreation.

7. Include a comprehensive glossary, so partners and the public have a shared and common understanding of key terms used in the Plan.
8. Develop an updatable information system to monitor Plan implementation and the status and trends of wildlife and habitat.
9. Consider wildlife conservation-related education and wildlife-associated recreation as tools that can help accomplishing conservation goals.

D. COMPLETION, OUTCOMES, AND AVAILABILITY

1. Provide annual written progress updates on the planning effort and progress to IAFWA(s) CARA Implementation Committee each September, in addition to annual performance reports that must be submitted to the U.S. Fish and Wildlife Service pursuant to Federal Aid guidelines.
2. Ensure that the Plan clearly and definitively meets State obligations to Congress under the WCRP and SWG legislation, and to the U.S. Fish and Wildlife Service with regard to Federal Aid administration.
3. Provide sufficient documentation in or with the Plan to facilitate public understanding of the decisions that are made, how and why they were made.
4. Make the Plan a driving force in guiding activities under diverse wildlife and habitat conservation initiatives, and usable for helping to inform land-use decision-making.
5. Make the Plan readily available to the public in variety of media
6. Provide a mechanism for reporting accomplishments and tracking progress so local partners are aware of both.
7. Ensure that the Plan can be implemented, i.e. that it is administratively and politically feasible, and that there are sufficient resources (funding and staff) among the partners to accomplish significant gains at a large scale, and within an appropriate time frame, to preserve our Nation(s) wildlife heritage.

C. OFFICIAL POLICY ON CONSERVATION BANKS

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April 7, 1995

The executive and legislative branches have endorsed the use of conservation banks as a means to accomplish important resource management goals. This document provides formal policy guidance on how to achieve this directive.

A conservation bank is a single parcel, or a series of contiguous or non-contiguous parcels, of habitat which is managed for its natural resource values. The resource benefits derived from this management regime are sold as "credits" to project proponents who seek mitigation opportunities to compensate for resource impacts elsewhere. Credits may be generated to meet any number of resource conservation needs, including compensation for impacts to wetlands, threatened or endangered species, Environmentally Sensitive Habitat Areas, mudflats, sub-tidal areas, and less sensitive resources.

Conservation banks, if properly established and managed, serve several useful functions. First and foremost, banks provide for the conservation of important habitats and/or habitat linkages. Second, they provide a viable alternative to the current practice of requiring piecemeal mitigation for individual project impacts. Individualized mitigation projects which have little connection with their surrounding ecosystem are often much more prone to failure than a mitigation project which is incorporated into a larger, ecosystem-based conservation bank or regional conservation plan. Third, conservation banks can take advantage of economies of scale that are often not available to individualized mitigation projects. Fourth, conservation banks provide significant incentives for private landowner participation and represent one of the best examples of private/public partnerships in an era of shrinking budget resources. Fifth, conservation banks can be a major funding component for the creation of an ecosystem preserve under a regional conservation plan. Sixth, and finally, conservation banks simplify the regulatory compliance process while achieving greater conservation goals.

CONSERVATION BANKING

For purposes of providing guidance on conservation banking, all Departments shall designate and train personnel to actively work with potential bank developers in accordance with the following precepts:

1. The priority for mitigation should be to accomplish it at a site which provides for the long-term conser-

vation of habitat and species. As such, off-site mitigation is specifically sanctioned in the context of an otherwise permissible conservation bank.

2. A bank may be established pursuant to regulatory permit or contract between the bank developer and the appropriate regulatory agency(s). Where a bank is established pursuant to contract, care must be taken to create a legally enforceable instrument.
3. There is no minimum or maximum size of a conservation bank and it may be divided into clearly defined subareas. However, the bank and each of its subareas (if any) should be large enough to be ecologically self-sustaining or part of a larger conservation strategy that has a reasonable expectation of being accomplished.
4. Upon sale of the first credit in the bank or subarea, the land in the bank or subarea must be permanently protected through fee title or conservation easement. The land-use restrictions should run with the land and be recorded in the appropriate county(s) of jurisdiction.
5. Before selling bank credits, a proposed conservation bank should be approved by the appropriate resource management agency(s). Basic elements in any approvable bank proposal should include, but are not limited to:
 - a. identification of a bank manager;
 - b. identification of the geographical boundaries of the bank and the service area of the bank;
 - c. provision for fundamental property protection measures (e.g., fencing some or all of the bank property if deemed appropriate, control of off-road vehicle use, etc.);
 - d. provisions for the resolution of current or prospective land use conflicts involving the bank lands (e.g., rights-of-way issues, existing use issues, adjacent land-use issues);
 - e. provisions requiring an annual report by the bank manager to be submitted to the appropriate regulatory agency(s).
6. Prior to the sale of credits, a resource management plan should be approved by the appropriate regulatory agency(s). A sufficient level of funding with acceptable guarantees (e.g., cash, letters of credit,

- public charity, public funding mechanism) should be provided to fully ensure the operation and maintenance of the bank as may be required.
7. Provision should be made for long term management of bank lands after all the mitigation credits have been awarded. Generally, land management responsibilities should ultimately vest in a resource management agency or qualified non-profit organization, although a private entity may be an acceptable long-term manager.
 8. Provision should be made for ensuring implementation of the resource management plan in event of non-performance by the bank owner and/or operator.
 9. Provisions should be made in any bank establishment for the monitoring and reporting of identified species/habitat management objectives.
 10. An easement or other agreement should be established at the bank in favor of appropriate resource management agency(s) guaranteeing the agency's right of entry onto bank lands for the following purposes:
 - a. Inspections;
 - b. Specified resource management responsibilities;
 - c. Quality Assurance/Quality Control review with regard to bank management and operation;
 - d. Resource management should the bank operator fail to implement prescribed resource management responsibilities.
 11. Bank credits should be established by reference to an environmental baseline which may, but need not be, assessed at the time of the bank creation. This baseline will be used to establish credits for a number of categories requiring resource management, including, but not limited to, the following:
 - a. Resource Preservation (the preservation of specified resources through acquisition or other appropriate means);
 - b. Resource Enhancement (the enhancement of a degraded resource);
 - c. Resource Restoration (the restoration of a resource to its historical condition);
 - d. Resource Creation (the creation of a specified resource condition where none existed before).
 12. The award of bank credits should be negotiated on a case-by-case basis between the project proponent in need of the subject credits, the regulatory agency(s) of jurisdiction, and the bank manager. Generally:
 - a. Credits may be negotiated for available or prospective resource value establishment.
 - b. Credits may be based on habitat acreage, habitat quality, contribution to a regional conservation strategy that has been approved by the appropriate regulatory agency(s), or any other basis acceptable to the regulatory agency(s).
 - c. Actual awards of bank credits need not be withheld pending full realization of the targeted resource value at the bank. Credit availability may vary in accordance with agreed upon performance criteria for the development of the resource value in question.
 - d. Awarded bank credits, subject to the approval of the regulatory agency(s), should be made transferrable.
 13. Whether out-of-kind mitigation credit will be allowed at a particular bank will require a fact-specific inquiry on a case-by-case basis for the project creating the impacts.
 14. The creation of any conservation bank should be listed with the Resources Agency in accordance with forthcoming guidance for purposes of maintaining a statewide bank inventory.

CONCLUSION

Conservation bank agreements developed between the bank developer and the appropriate regulatory agency(s) in accordance with the preceding precepts shall be considered consistent with state policy regarding conservation banks, assuming no violation of federal and state laws. Training manuals on this subject are forthcoming.

<http://ceres.ca.gov/wetlands/policies/mitbank.html>

D. A VISION FOR JOINT ENVIRONMENTAL AND TRANSPORTATION SYSTEM STEWARDSHIP IN OREGON COLLABORATIVE ENVIRONMENTAL AND TRANSPORTATION AGREEMENT FOR STREAMLINING (CETAS)

Charter Agreement

I. INTRODUCTION

The CETAS Group was formed in June of 2000 in response to several issues: a greater and greater sense of urgency about environmental stresses; the response to TEA-21 streamlining; the complexity of environmental regulation and planning requirements; and the need to update and fully implement the existing NEPA/404 Accord. Old processes were no longer adequate for the tasks at hand. The CETAS group was formed out of desire for a more harmonious and streamlined process for meeting agencies' missions.

II. GOAL

The goal of this Group is to identify and implement collaborative opportunities to help each participating agency realize its mission through sound environmental stewardship, while providing for a safe and efficient transportation system. Our direction for achieving this goal is derived from Table 1, which sets out the Group's vision.

III. BALANCING OF VALUES

In pursuing this goal, the ethic is one of balancing environmental and transportation values. Through earlier and more effective communication, mutual education, and process change, greater environmental benefits can be accomplished, while minimizing costs and delays. The ultimate goal is the improved outcome for each agency's mission.

When making environment-related decisions, CETAS participants share the responsibility to balance competing business needs and requirements with appropriate environmental stewardship. Schedule, cost, safety, quality, public input, regulator input, fish and wildlife habitat and other factors are all top priority, while none have first priority. Under §7(a)(1) of the Endangered Species Act, the Federal Highway Administration and the Oregon Department of Transportation shall use all of their authorities to conserve listed species and the ecosystems upon which they depend. With that vision, transportation planning and programs

will use this authority to protect and restore habitat for listed species.

Under the authority of the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Clean Water Act, and other statutes, typically avoidance of environmental impacts is the highest priority. The best stewardship of the resource is to avoid harm in the first place. If the resource cannot be avoided, then minimize harm to the maximum extent possible and practicable. Where the resource cannot be avoided, and where minimization leaves harm to the resource, mitigate or offset the harm. In addition, sound environmental stewardship requires that, on all projects, decision-makers be mindful of environmental enhancement opportunities, and take advantage of them when appropriate.

IV. MEMBERSHIP AND RESPONSIBILITIES

- A. The CETAS is composed of one representative, and one alternate from each of the following agencies: Oregon Department of Transportation, Federal Highway Administration, Oregon Division of State Lands, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Department of Land Conservation and Development, Environmental Protection Agency, US Fish and Wildlife Service, US Army Corps of Engineers, and National Marine Fisheries Service.
- B. CETAS members agree to:
 - come to the CETAS meetings to share their individual opinions and knowledge,
 - represent their agency's position fully,
 - listen respectfully,
 - ensure that the CETAS decision reflects agency positions rather than individual opinions, and receives full understanding and full agency ratification, and
 - ensure that their agency develops an implementation plan, where relevant, for CETAS work products and the long-term implementation of CETAS agreements.
- C. Decision-Making. Subject to statutory and legal constraints the following will occur:
 - Decisions will be made by consensus of the partici-

pants. Consensus is defined as the willingness of all the participants to accept the decision and abide by it. It is understood that the decision may not represent the optimal outcome for any one participant, but it is an acceptable outcome to all.

- By agreeing to consensus, each member supports the decision.

D. Attendance

- Members agree to attend regular meetings of the CETAS.
- An alternate will be thoroughly briefed on the issues by their agency's CETAS representative prior to the meetings.
- Seven participants constitute a quorum.

V. MEETINGS

A. Timing of Meetings

- ODOT representative will convene quarterly CETAS meetings for the purpose of information sharing, monitoring of ongoing CETAS work products, and addressing other work issues,
- ODOT may convene additional meetings as the need arises;
- At the request of two or more agencies, or as specified in any of the CETAS work products, ODOT shall convene additional meetings.

B. ODOT will provide for minutes.

- ### C. Annually, ODOT Environmental Services shall prepare and present a report summarizing and evaluating the work of the CETAS, its workgroups, and the implementation of its work products.

VI. TASK OF THE CETAS

It is the task of the CETAS to: provide a forum for exchange of information and perspectives, establish collaborative opportunities for its work groups to resolve, establish work groups, monitor the progress of work groups, approve work group products, implement CETAS agreement, monitor the implementation of CETAS agreements and engage in other activities as the group decides.

VII. WORKGROUPS

- ### A. Workgroups may be used to prepare specific proposals or draft agreements. Workgroups will:
- be subject to the ground rules established by this charter, unless otherwise specifically directed;
 - to the extent possible, reflect a balance of interests;
 - make regular progress reports to the CETAS Group.
- ### B. The work products should include the following: conditions of the agreement, education plan, implementation plan, monitoring and assessment mechanism, durability of the agreement, conflict resolution process, if appropriate.
- ### C. The Work product shall not be considered final until approved by the CETAS.

VIII. ELEVATION OF CONTESTED ISSUES

Elevation should be used whenever participants feel the decision needs to be made at a higher level, participants feel the agreement is not being upheld, or participants cannot concur with a proposed activity. Elevation is a position step in appropriately resolving issues. The sequence for each of the agencies is identified in Table 2.

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ABOUT DEFENDERS OF WILDLIFE

Defenders of Wildlife is dedicated to the protection of all native wild animals and plants in their natural communities. We focus our programs on what scientists consider two of the most serious environmental threats to the planet: the accelerating rate of extinction of species and the associated loss of biological diversity, and habitat alteration and destruction. Long known for our leadership on endangered species issue, Defenders of Wildlife also advocates new approaches to wildlife conservation that will help keep species from becoming endangered. Our programs encourage protection of entire ecosystems and interconnected habitats while protecting predators that serve as indicator species for ecosystem health.



Defenders' Habitat & Highways Campaign has two objectives:

1. Reduce the impact of roads and highways on wildlife and habitat. Existing roads should be modified where necessary to allow wildlife to cross, and minimize impacts on the surrounding environment.
2. Incorporate wildlife conservation into transportation planning. Future road development should avoid wildlife habitat and environmentally sensitive places.

surface transportation policy project

ABOUT THE SURFACE TRANSPORTATION POLICY PROJECT (STPP)

Founded in 1990, the Surface Transportation Policy Project is a national coalition of more than 600 organizations working to promote transportation policies and investments that expand transportation options for everyone, conserve energy, protect the environmental and aesthetic quality of neighborhoods, promote access to those now under served, and strengthen the nation's economy. STPP is headquartered in Washington, D.C. with offices in Sacramento, San Francisco, Albuquerque, and Pittsburgh.

For more information, or if you would like to share your views on these issues, visit our web sites: www.transact.org, www.tea3.org, www.antc.net or write us at: stpp@transact.org.



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