

GAO Highlights

Highlights of [GAO-17-154](#), a report to the Chairman, Subcommittee on Regulatory Affairs and Federal Management, Committee on Homeland Security and Governmental Affairs, U.S. Senate

Why GAO Did This Study

The ABB is a large scavenger insect that FWS listed as endangered in 1989 under the Endangered Species Act (ESA). FWS uses various strategies to address potential adverse impacts on protected species from construction and other projects. In some cases, FWS has required project proponents to take specific steps to avoid, minimize, or compensate for a project's potential impacts on the ABB or its habitat. When these proponents make financial contributions to compensate for the impacts of these projects, FWS generally refers to it as compensatory mitigation. GAO was asked to provide information on how FWS uses different compensatory mitigation strategies.

This report examines: (1) how FWS has sought to avoid and minimize potential adverse impacts on the ABB from projects and (2) what is known about FWS's compensatory mitigation strategies and how FWS has used two of them, in-lieu fee programs and conservation banks, for the ABB. GAO reviewed relevant laws, policies, guidance, and conservation efforts for the ABB; analyzed FWS data on ESA consultations and the use of conservation banks; and interviewed officials from FWS, project proponents, and organizations involved in ABB conservation.

What GAO Recommends

To ensure that appropriate plans are made to obligate funds, GAO recommends that FWS establish a timetable with milestones for modifying RIBITS to incorporate FWS's in-lieu fee program information.

FWS concurred with this recommendation.

View [GAO-17-154](#). For more information, contact Anne-Marie Fennell at (202) 512-3841 or fennella@gao.gov.

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ENDANGERED SPECIES ACT

U.S. Fish and Wildlife Service's American Burying Beetle Conservation Efforts

What GAO Found

To address the potential adverse impacts of construction and other projects on the American burying beetle (ABB) and its habitat, the U.S. Fish and Wildlife Service (FWS), within the Department of the Interior, first focuses on avoidance and minimization approaches. For example, to avoid impacts on ABB habitat, FWS may suggest that project proponents—public and private entities—relocate the project or part of the project to another location. If complete avoidance is not possible, FWS may suggest ways to minimize the potential impacts, such as reducing soil disturbance during construction or limiting the use of pesticides. If avoidance and minimization actions are impractical or inadequate, then FWS may suggest compensatory mitigation strategies, which allow project proponents to choose to compensate for the potential adverse impacts of their projects.

The American Burying Beetle, a Winged Insect



Sources: Anita Barstow; U.S. Fish and Wildlife Service. | GAO-17-154

FWS uses several types of compensatory mitigation strategies, including (1) conservation banks, in which third parties invest up front in protected lands that are conserved and managed for a species, and then sell mitigation credits to project proponents, and (2) in-lieu fee programs, in which third parties generally collect money from several project proponents and conduct conservation activities for the species in a location away from the project site after the project's potential impacts have occurred. FWS has used two conservation banks in Oklahoma and three in-lieu fee programs in several states specifically to conserve the ABB. FWS tracks key information about its conservation banks, such as the location and mitigation credits available, and uses this information to help manage activities. However, FWS has not fully implemented its plan to track in-lieu fee programs. FWS signed an interagency agreement with the U.S. Army Corps of Engineers in February 2016 to modify its Regulatory In-lieu fee and Bank Information Tracking System (RIBITS) to enable FWS to track its in-lieu fee programs. However, FWS has not obligated funds for the necessary modifications or developed a timetable for doing so. Federal internal control standards provide that management should design control activities to achieve objectives and respond to risks. To accomplish this, federal internal control standards recommend that management define the time frames for how objectives will be achieved. Until FWS collects relevant and reliable data on its in-lieu fee programs, the agency will not be able to evaluate the effectiveness of its programs and determine the most effective strategy for conservation.