From: Shauna Ginger
To: Gordon Toevs; Jim Perry
Cc: Matthew Magaletti; Sally Butts; Matthew Preston
Subject: RE: For Friday GSG EIS Mitigation Call
Date: Friday, January 24, 2014 8:12:00 AM
Attachments: GS-G FEIS Mitigation Language v11 v2_FWScomments-24Jan2014.docx

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Hi all,
Attached are some other minor comments I had as per our conversation today. I added them to Gordon's draft.
Thanks!!
Shauna
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From: Toevs, Gordon [mailto:gtoevs@blm.gov]
Sent: Friday, January 24, 2014 5:36 AM
To: Jim Perry
Cc: Matthew Magaletti; Shauna Ginger; Sally Butts; Matthew Preston
Subject: Re: For Friday GSG EIS Mitigation Call

Jim et al
I have attached my comments. I still have a few concerns which are noted in comments and text changes. A couple of overarching comments:
We say we are going to set up boards to make recommendations and then we make a number of the decisions we indicated would be in their purview
I do not agree that the boards should have fiduciary responsibility
In some places I think it is still too prescriptive

If we need a call in number for today we can use the AIM bridge, but I do not have much confidence that my 9:30 will be over at 10. What are schedules for later in the day?
Thank you,
Gordon

On Thu, Jan 23, 2014 at 5:38 PM, Jim Perry <jperry@blm.gov> wrote:
Core Team,

For tomorrow's GSG EIS Mitigation call. Matt P made most of these edits based on today's meeting and I tossed in a few more. Please review in time for the call. We hope to pass this to the next level first thing Monday morning. Thanks!

Jim

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Jim Perry - Senior Natural Resource Specialist

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GREATER SAGE-GROUSE RMPA/FEIS
TEMPLATE LANGUAGE FOR ADDRESSING
MITIGATION

[ ] = Instructions
[ ] = Fill in the blank

Chapter 1 - Introduction

[Nothing new to add]

Chapter 2 – Alternatives

Mitigation (Conservation Measures) - Applies to the [Identify here which Alternatives address compensatory mitigation (aka: offsets)]

- [Add this new or updated section to **Chapter 2 Alternatives** section in place of the Regional Mitigation placeholder language that was included in the draft EIS.
- Fill in the missing parts highlighted in yellow.
- Ensure a degree of consistency between this nationally standardized text and that found in the rest of the EIS.
- Fine tune this text, if necessary, but maintain consistency with the other BLM/USFS plan amendments.]

General

The BLM and the USFS [remove references to USFS for plans that do not address US Forest Service lands] have identified varying levels of protective mitigation (conservation) measures across the Alternatives. In Alternatives [*name them here*] it is the intent of the BLM and USFS to place an increased focus on conservation of greater sage-grouse across by working on a regional basis with other interested agencies and stakeholders in the management of threats to the greater sage-grouse, protecting populations, and reversing population declines across the landscape. It is anticipated that implementation of a robust and transparent mitigation program, including regionally-based avoidance, minimization, and compensatory mitigation will contribute to reducing the need to list the species, or reduce the adverse regulatory implications of a listing, while allowing for well-sited and mitigated actions to move forward smoothly. This will take a collaborative, unified approach between the US Fish & Wildlife Service (FWS), state governments(s), federal land managers (e.g. BLM and USFS), and other stakeholders (e.g. local governments, NGOs, industry).

Application of the mitigation hierarchy (avoid, minimize, compensate…), as identified by the White House Council on Environmental Quality (CEQ) (40 CFR 1508.20), is important for ensuring the BLM and the USFS meet their greater sage-grouse resource objectives while continuing to honor our multiple-use missions. The BLM/USFS' priority is to mitigate impacts to an acceptable level at the site of the proposed land use authorization, to the extent practical, through impact avoidance and minimization. Each of the action alternatives in this Amendment identifies a set of impact avoidance and minimization mitigation measures. Certain alternatives,

[*name them here*], also identify compensatory mitigation (also known as offsets) requirements for those impacts that the agency(s) cannot adequately avoid or minimize (i.e. residual impacts). The intent of avoidance, minimization, and compensatory mitigation measures is to maintain, or improve, the viability of greater sage-grouse habitat and populations over time, as described in the Fish and Wildlife Service's Conservation Objectives Team Report.

Principles

The agencies, working in partnership to develop mitigation approaches across the various states and WAFWA Management Zones, will need to be flexible and innovative in how they compensate for (offset) land-use impacts to greater sage-grouse. However, the intent of the BLM/USFS is that the mitigation approach will incorporate the following general principles.

1. **First, avoid or minimize the resource impact.** Compensatory mitigation will only be considered after all avoidance and minimization measures have been explored.
2. **Aim for net positive greater sage-grouse conservation at** the ~~WAFWA zone~~population-level. Mitigation programs should be strategically designed to result in net overall positive outcomes at the WAFWA zone level. Mitigation may include "in-kind" and "out of kind" mitigation to best address population-level or landscape-level threats to greater sage-grouse; "out of kind" mitigation is only appropriate if it benefits greater sage-grouse. At sub-population scales, no net less or some loss to accommodate multiple-uses may be appropriate if paired with compensatory mitigation in other parts of the WAFWA zone.
3. **Rely on Regional Mitigation Strategies to obtain the greatest mitigation benefit to greater sage-grouse.** The BLM/~~ and~~ USFS and their partners will develop regional strategies to identify and facilitate mitigation opportunities at the regional (or landscape) scale, including opportunities on both BLM/~~ and~~ USFS-managed lands and non-BLM/USFS-managed lands (other Federal, Tribal, State, and private lands). A regional approach to mitigation occurs across the landscape and focuses on attaining the greatest mitigation benefit, regardless of land ownership. A regional mitigation approach also shifts the mitigation focus from a permit-by-permit perspective to a proactive regional-scale mitigation planning perspective. Regional Mitigation Strategies will include all components of the mitigation hierarchy (i.e. avoid, minimize, compensate), ~~but even though some most aspects of~~ but will not exclude or subordinate the avoidance and minimization ~~may already be decided~~identifed in other BLM/USFS decision documents (e.g. Resource Management Plan avoidance/exclusion areas).
4. **Monitor mitigation projects and measures and make adaptive changes.** The BLM and USFS decision documents should identify monitoring and adaptive management requirements to ensure the mitigation is implemented as designed, remains effective during the life of the project impact, and management is adjusted as necessary based on lessons learned and/ or new science.
5. **Simplify and streamline land-use authorization approval processes for conforming land-use authorizations**. The program should allow well-sited, well-designed, and properly mitigated land-uses that conform with the land use plan and regional mitigation strategy to move forward smoothly and quickly.

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Comment [GRT1]: Not sure what this phrase adds except possibly confusion

Comment [FWS2]: I agree. Recommend deleting

Comment [FWS3]: Generally clarify these geographic/generalized boundaries as per our conversation this morning.

6. **Use existing state or local mitigation processes to the extent they support national and regional sage-grouse conservation goals**. To the extent practical, the program should utilize or build upon the existing regional, state, and local-level processes as the authorizing, implementing, and enforcement tools for a mitigation program. Adopted processes, however, must support national and regional greater sage-grouse management goals and result in a reporting process that is sufficiently standardized so that data, challenges, and accomplishments can be summarized and analyzed at a regional and national level to determine effectiveness at multiple scales and for reporting to the FWS.
7. **Make greater sage-grouse an asset, not a liability**. The mitigation program should provide economic incentives for land-use authorization applicants to voluntarily conserve and restore greater sage-grouse and its habitat, such as through a mitigation banking or credit system.
8. **Use the best available science.** The program should use accepted scientific principles, standards and practices for mitigation based on the best available science for greater sage-grouse conservation. Peer-reviewed science is preferred to science that has received less independent scrutiny.
9. **Consistent methods and metrics.** Metrics that are comparable or the same across jurisdictional boundaries are preferred and will allow for more meaningful exchanges in a landscape context.
10. **Be consistent and fair**. The mitigation program should apply consistently across the activities that impact greater sage-grouse and its habitat (e.g., energy, transmission, roads, grazing, mining, recreation).

~~Compensatory~~ Mitigation Technical Elements

The following specific technical elements are part of the BLM/USFS ~~compensatory~~ mitigation program:

1. **Governance - Regional Mitigation Board** [Merge this Board with other existing or planned Greater Sage-Grouse Boards if appropriate and feasible for the WAFWA zone] The BLM/USFS will establish an inter-agency Regional Mitigation Board for each of the six WAFWA Management Zones in the West, following the completion of each of the 15 sub-regional EISs that are associated with the National Greater Sage-Grouse Planning Strategy. The planning area presented in this sub-regional EIS lies within the _____ WAFWA Management Zones. These Board~~'~~s will serve as advisors to the BLM/USFS line officers.

   The Regional Mitigation Board will consist of inter-disciplinary representatives from BLM, USFS, FWS and state fish and game agencies. Cooperation and coordination of appropriate and pertinent federal, state and local land and resource management agencies across the landscape is essential for efficient and effective regional mitigation. [*It is important to acknowledge that the State government working with the BLM/USFS as a Cooperating Agency on this land use plan amendment may have already completed, or is currently working on, statewide conservation, restoration, and mitigation strategies. If this is the case, identify those efforts here.*] The BLM/USFS will continue to work with and support those State government efforts.

Comment [GRT4]: Is that FACA compliant?

Comment [GRT5]: Suggest deleting—I am not sure I see anything efficient about another board

The duties of the Regional Mitigation Board will vary from region to region, but it is anticipated the Board will:

- Develop a Regional Mitigation Strategy for its WAFWA Management Zone;
- Periodically review and update Regional Mitigation Strategy, at least every five years;
- Conduct an annual (or semi-annual) review of the implementation of the Regional Mitigation Strategy;
- Provide ~~additional~~ mitigation recommendations to the BLM/USFS~~, upon request (e.g. for major development projects in priority habitat)~~;
- Review and certify regional mitigation and/or conservation banks and associated credit systems;
- ~~Administer and account for compensatory mitigation funds;~~
- ~~Manage the implementation of compensatory mitigation projects and measures;~~
- Compile reports on mitigation actions and effectiveness across the region; and,
- Resolve mitigation oriented discrepancies or shortfalls that arise between or within BLM/USFS planning areas, WAFWA Management Zones, and local and state jurisdictions.

Comment [GRT6]: I recommend we do not get into management decisions or restrict access to the boards

Comment [GRT7]: I do not agree with this—I think we want to develop agreements with organization who are already in this business, e.g. NFWF

Comment [FWS8]: FWS and the Corps have had issues with $$ and the Miscellaneous receipts statute…

Comment [GRT9]: A/A—recommend not having the management also be the evaluator

Comment [FWS10]: Generally speaking, wherever you can build in checks and balances a mitigation program will be more transparent.

2. Regional Mitigation Strategies

It is the intent of the BLM/USFS that the Regional Mitigation Board will develop a Regional Mitigation Strategy for the WAFWA region consistent with the principles outlined in the BLM's Regional Mitigation Manual Section 1794. The strategy adopted and implemented within a landscape will be dependent on the unique resources and values of the regional landscape and the mitigation strategies and resources already ~~developed~~ in place by regional partners (e.g. a statewide mitigation strategy).

Comment [GRT11]: Would like to discuss the use of developed or in place or published—I would like to encourage something more than "developed"

Comment [FWS12]: Just a thought - Overall, I am wondering, especially if these strategies span the WAFWA zone level, how the Regional Mitigation Strategy/Board will fit in with state mitigation plans, be they in place now, in place soon or being developed now but might not be ready until after the Final EISs…. Not an issue to be tackled in this document, but the language here will play a role.

Comment [FWS13]: Should include development/designation of "service areas" (which will be very important to work out with states, especially in those WAFWA zones that span multiple states).

The Regional Mitigation Strategy is anticipated to include:

- A method to assess the impacts of land-uses (debits) and identify the "value" of the impacted resource within both a local and regional context. The method will address direct impacts, indirect impacts, cumulative impacts, ecological site potential, value within regional conservation and restoration strategies, and present ecological conditions;
- Avoidance Mitigation
  - Identification of avoidance sites and/or measures already included in BLM/USFS decision documents (e.g. Resource Management Plans); and,
  - Identification of additional large-scale or small-scale avoidance recommendations for the BLM/USFS to consider (e.g. avoidance of crucial habitat identified by the Western Governors' Association).
- Minimization Mitigation
  - Identification of minimization measures already included in BLM/USFS decision documents (e.g. best management practices in Resource Management Plans); and,
  - Identification of additional minimization measures for the BLM/USFS to consider (e.g. additional best management practices).

- Compensatory Mitigation
  - A method to calculate the value (credits) of compensatory mitigation projects and measures, including determining when mitigation ratios are appropriate;
  - A method to determine compensatory mitigation "currency" (i.e., numbers of birds, acres, etc.);
  - Clear ~~compensatory~~ mitigation objectives, performance standards, monitoring protocols, adaptive management triggers, and standardized effectiveness reporting requirements;
  - Identification and prioritization of compensatory mitigation focal areas (areas with a degree of durability where habitat improvements will be focused), sites (within the focal areas where projects will be concentrated), projects (organized actions that will include one or more mitigation measure), and measures (individual compensatory mitigation actions, such as chemical vegetation treatment), in consideration of regional restoration and conservation strategies; and,
  - Identification of funding sources and funds administration including a structure for holding and applying any compensatory mitigation funds and a robust, transparent, and credible accounting system whereby credits and debits can be tracked.
  - ~~A method to assess the impacts of land-uses (debits) and identify the "value" of the impacted resource within both a local and regional context. The method will address direct impacts, indirect impacts, cumulative impacts, ecological site potential, value within regional conservation and restoration strategies, and present ecological conditions;~~
  - ~~A method to calculate the value (credits) of mitigation projects and measures, including determining when mitigation ratios are appropriate;~~
  - ~~A method to determine mitigation "currency" (i.e., numbers of birds, acres, etc.);~~
  - ~~Clear mitigation objectives, performance standards, monitoring protocols, adaptive management triggers, and standardized effectiveness reporting requirements;~~
- A process to compile and review standardized mitigation monitoring effectiveness reports to ensure the objectives of mitigation measures are achieved, and if necessary, to use these reports to support recommendations to the BLM/USFS to require adaptive management if mitigation has not been effective.
- A process to compile and summarize the cumulative effects of mitigation measures at the PAC and the WAFWA zone.
  - ~~Identification of funding sources and funds administration including a structure for holding and applying any mitigation funds and a robust, transparent, and credible accounting system whereby credits and debits can be tracked.~~
- Incorporation of the concepts described in the rest of this section.

3. Compensatory Mitigation Focal Areas ~~(Service Areas)~~

This EIS identifies and ~~maps~~ designates key habitats necessary for greater sage-grouse conservation, referred to in this EIS as [priority habitat]. These [priority habitats] will be

Comment [GRT14]: Not sure how this differs from above bullet—does not seem to be a separate issues. Please explain

Comment [GRT15]: I suggest this may be appropriate for minimization as well so recommend deleting

Comment [FWS16]: Based on our conversation this morning, are sites and focal areas the same thing?

Comment [GRT17]: How about "to reach the goals and objectives of the"

Comment [GRT18]: This seems a bit strange

Comment [FWS19]: Just want to make sure that these priority areas include all areas important for sage-grouse conservation, regardless of land jurisdiction. This will go a long way in marrying up state and BLM mitigation plans

the BLM/USFS's compensatory mitigation focal areas. ~~The maps were developed in coordination with the state management plans. The COT report also broadly identifies PAC, defined as key areas across the landscape necessary to maintain redundant, representative, and resilient populations.~~ In general, mitigation ~~focal areas,~~ sites, projects, and measures will be concentrated~~, or focused,~~ in these focal areas ~~key habitat identified in this EIS and/or the COT report's PACs (collectively referred to as compensatory mitigation focal areas).~~

Local greater sage-grouse population considerations will also factor into compensatory mitigation siting decisions, but not to the exclusion of identifying the sites, projects, and measures where the greater sage-grouse may attain the greatest compensatory mitigation benefit, regardless of land ownership or jurisdiction. Additional finer scale planning efforts by the BLM/USFS and state agencies may be necessary to determine if other essential habitats exist, particularly for connectivity, population expansion opportunities, and flexibility in managing habitat changes that may result from climate change.

4. Mitigation and ~~Distrubance~~Disturbance Thresholds/Caps

Disturbance thresholds/caps provide an incentive to the land-use permit applicant for the development of robust mitigation. Where an impact threshold exists, such as a percentage limitation on surface disturbance or a limitation on the number of surface disturbance locations, the authorized officer will identify the extent and type of avoidance, minimization, and compensatory mitigation that will be necessary to avoid further deterioration of the habitat and crossing threshold.

All residual impacts to greater sage-grouse [priority habitat] that have not been adequately avoided or minimized will warrant compensatory mitigation. The degree (i.e., ratios, metrics) of compensatory mitigation will be based on the recommendation of the Regional Mitigation Boards~~Strategy~~ and factors such as:

- Whether sage-grouse populations within the [priority habitat] are increasing, stable, or declining.
- Whether the disturbance threshold has not been exceeded, has been reached, or has been exceeded.

~~Table XX provides a guide for authorized officers to inform their consideration of compensatory mitigation requirements where there are thresholds in place and avoidance and minimization is anticipated to be insufficient.~~

~~**Table XX.** Decision table to guide the identification of the level of mitigation needed for a given impact, based on the impact threshold and the status of the greater sage-grouse population. Residual impacts are those impacts that remain after application of avoidance and minimization mitigation measures.~~

	~~GSG Population Stable/Increasing~~	~~GSG Population Decreasing/Unknown~~
~~Impact Disturbance Threshold Not~~	~~Some compensatory~~	~~Compensatory mitigation required~~

Comment [GRT20]: Is this dictating what the regional boards are going to do--

Comment [GRT21]: If this is the case why do we need the board?

Comment [MP22]: UNTOUCHED IN NEW VERSION; JIM PROMISED TO HANDLE THIS SECTION. THANKS, JIM!

NOTES FROM TODAY'S WORK SESSION: NEED TO REFER TO RESIDUAL IMPACTS; ALL IMPACTS IN PRIORITY HABITAT NEED SOME COMP MITIGATION; DIFFERENT LEVELS OF COMP MITIGATION DEPENDING ON STATUS OF BIRD AND THRESHOLD. SCALE UP COMP MITIGATION VIA RATIOS, TIMING, ETC.

Might not need table after all, if we make it simpler than it was.

Haven't yet worked in the concept of allowable loss at local scale; net benefit at population scale.

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Exceeded	mitigation required.Strongly consider compensatory mitigation for impacts in order to avoid meeting disturbance threshold. Mitigation sites may be most appropriate in a more threatened population area.	for all residual impacts. Mitigation sites should be in the affected population area.
Impact Disturbance Threshold ExceededMet/Unknown	Any form of disturbance should be avoided, to the greatest extent possible. Compensatory mitigation required for all residual impacts. Mitigation sites may be most appropriate in a more threatened population area.	Any form of disturbance should be avoided. Compensatory mitigation required for all residual impacts. Mitigation sites should be in the affected population area.

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If residual impacts are expected, and after applying the above decision process, the authorized officer decides it is necessary to require compensatory mitigation, they will solicit recommendationsdevelop, analysis, and select for compensatory mitigation requirements based upon the Regional Mitigation Strategy. from the Regional Mitigation Board (described above) based on the Regional y Mitigation Strategy (described above). The solicitation should occur before the release of the final EA or Draft EIS. Upon receipt of the Regional Mitigation Board's recommendations, the authorized officer will consider them in the NEPA analysis for the land use proposal.

5. **Timeliness, Additionality, Durability, Ratios, and Reversals for Compensatory Mitigation**

Actions or plans proposed as compensatory mitigation need to demonstrate timeliness (i.e. achieve targeted biological conditions in a timeframe that benefits greater sage-

grouse), be additional, meaning they provide a level of conservation benefit beyond what would have been achieved otherwise, biologically effective (i.e. ecological durability), be appropriate for the biological setting (i.e. have a high likelihood of success), and be accompanied by land use allocations and financial assurances that secure and protect the conservation status of the mitigation site for at least as long as associated impacts persist (protective durability). Durability may be compromised when the benefits of compensatory mitigation do not persist for the full duration that is required based on the impact that is intended to be offset. These types of *reversals* must be addressed in any compensatory mitigation program. Uncertainty in temporal, ecological, and legal considerations should be ameliorated by increasing *mitigation ratios* or other means. Each of these concepts is explained further below.

Comment [FWS23]: Italics might be left over from the Framework (we called out new terms that way)

Timeliness: As most impacts begin to occur in the early stages of land-use authorizations (i.e., construction and initial operations), the BLM/USFS will require the benefits of proposed mitigation actions also to begin to accrue as early as possible, or preferably, before impacts have begun. When the success of compensatory mitigation is demonstrated prior to impacts occurring, ecological risk is reduced. The BLM/USFS will avoid, to the extent practical, relying on compensatory mitigation actions that occur after land-use impacts have occurred, due to uncertainty of implementation and time lag effects.

Additionality: Compensatory mitigation projects should also meet the test for *additionality* (i.e. the conservation outcome is demonstrably new and additional and would not have resulted without the compensatory mitigation action). Actions proposed as compensatory mitigation, regardless of land ownership, must provide a level of conservation benefit beyond what would have been achieved otherwise. The action must also have a high likelihood of success based on the biophysical setting. Some temporal credit (time lag) consideration may be appropriate for contributions to substantively accelerate management actions on a case-by-case basis where benefits can be quantified.

Ecological Durability: The BLM/USFS will require that mitigation measures have ecological durability. That is, the length of time the benefits from mitigation measures persist on and influence the landscape should meet or exceed the length of time that projected impacts will negatively affect greater sage-grouse. Consistently striving to maximize the ecological durability of mitigation actions can facilitate the net benefit principles. The ecological durability of compensatory mitigation is greatest if the projects are large enough so that they will, either in themselves or in conjunction with other projects or adjacent landscape conditions, provide the targeted benefits.

Protective Durability: The BLM/USFS will require that mitigation measures have protective durability. That is, ecologically sound compensatory mitigation measures offers limited ecological value if the compensatory mitigation focal areas or sites may be affected by future and conflicting land-uses or disturbances. On private land, protective durability is best achieved with real estate protections, such as conservation easements, fee title transfers, and habitat management agreements. On public land, protective durability is best achieved by legal conservation designations, land use plan designations,

and land use allocations. For example, in general, mitigation focal areas in units of BLM's National Landscape Conservation System have strong protective durability due to the limited land-uses that are allowed in those areas. Similarly, land use plan designations for exclusion areas, no lease areas, and no surface occupancy areas provide some level of protective durability to a compensatory mitigation focal area or site. Financial protections (e.g., bonding for construction, endowment for mitigation management) are also important to protective durability. The amount of financing to deliver the necessary mitigation is best determined by an appropriate cost-analysis for all elements of the mitigation, including acquisition or easement, restoration or enhancement, and long-term monitoring and maintenance. Dedicated funds held to maintain and monitor the conservation action will ensure transparency and maximize the potential to attain and maintain ecological durability.

Comment [FWS24]: Some? Strong seems a strong word and depends on perspective. "some" used in next sentence

Ratios: Risk and uncertainty associated with ecological and protective durability can be addressed by the BLM/USFS, in part, by requiring higher credit to debit mitigation ratios (however, the point at which risk and uncertainty render a mitigation measure as unsuitable is a necessary consideration to be made by the authorized officer). Strong projected ecological durability will, therefore, favorably influence mitigation ratios. Lower levels of protective durability will result in higher mitigation ratios or other means to address uncertainty. For example, higher mitigation ratios may be warranted if a time lag will exist from when impacts are incurred and offset benefits are realized. Ratios may also be based on the value of the impacted area and/or the value of the proposed mitigation site (after the mitigation measure is complete). Any application of ratios will be well documented and justified.

Comment [FWS25]: Suggest deleting this sentence. We're still working on the ratios language. This came from our Framework but this particular language will likely be deleted. We want to encourage as much uncertainty be addressed in the metrics, with science, and use ratios only after to address risk/uncertainty. Too often we've seen fixation on ratios and specific numbers when it's really what's behind those numbers that is most important.

Comment [FWS26]: Not really sure what you mean here but generally we recommend not having ratios applied at both ends. It gets confusing. Suggest deleting this sentence.

Reversals: Damage to functioning compensatory mitigation measures may be caused by natural disturbances (unintentional reversal, such as wildfire) or anthropogenic disturbances (intentional reversal, such as development) which shorten the intended duration of compensatory mitigation. Requiring the mitigation actor (e.g. a mitigation credit provider) to be responsible for unintentional reversals would likely make administration of a program more complex and decrease interest in providing credits. Intentional reversals, however, will be strongly discouraged and avoided to the extent practical. For any authorized and intentional reversals the BLM/USFS will require that the authorized party provides adequate compensation necessary for restoring any lost mitigation values. For unauthorized and intentional reversals, the BLM/USFS will make a diligent effort -to secure compensation from the responsible party.

Comment [FWS27]: This is still a bit confusing. Suggest deleting.

6. **Land Ownership and Management**
   Compensatory mitigation for greater sage-grouse can occur on either private or publicly managed land. Generally, compensatory mitigation measures should be limited to those identified as the most critical for greater sage-grouse conservation in the applicable geographic setting and that will yield the greatest benefit, regardless of ownership.

Chapter 3 – Affected Environment

[Nothing to add]

Chapter 4 – Environmental Consequences

Mitigation (Conservation Measures) - Applies to the [*name here all of the Alternatives that address any form of mitigation* **] Alternatives**

The BLM and the USFS have identified varying levels of protective mitigation measures across the Alternatives. In Alternatives [*name them here*] it is the intent of the BLM/USFS to place an increased focus on conservation of greater sage-grouse by working with others in managing threats, protecting populations, and reversing declines. It is anticipated that implementation of a robust and transparent mitigation program, including avoidance, minimization, and regionally-based compensatory mitigation will contribute to reducing the need to list the species or reduce adverse regulatory implications of a listing while allowing for well-sited land-use proposals to move forward smoothly. This will take a collaborative, unified approach between the US Fish & Wildlife Service, state(s), federal land managers, and other stakeholders.

If we are successful in working together on landscape scale mitigation strategies for the sage-grouse, we anticipate many benefits to accrue, including a streamlined permit process, increased public transparency and confidence, increased economic incentives and opportunities for landowners and companies, and legal and scientific defensibility for actions taken under such a program. Most importantly, we will have reduced the threats to the species in a manner consistent with the socio-economic needs of the local communities and states where the greater sage-grouse and sage-brush habitat occurs.

[Compensatory Mitigation]

[For the Alternatives that address compensatory mitigation, use the following language or similar language for each program area where compensatory mitigation (aka: offsets or offsite mitigation) is a mitigation component.]

- Implementing compensatory [or offsets or offsite, depending on what terms the EIS uses, or do a global search in the EIS and change the terminology to "compensatory"] mitigation to compensate for, or to offset, adverse impacts that the agency cannot adequately avoid or minimize would help to achieve the agency's goals of no net loss or a net positive gain of greater sage-grouse habitat.