From:	Shauna Ginger
To:	Julia Babcock
Subject:	RE: Mitigation Work Group; Work Plan and July Meeting Notes
Date:	Monday, August 19, 2013 9:18:12 AM
Attachments:	SAGECON MITIGATION PROGRAM WORKPLAN_USFWScomments_16Aug2013.doc

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FWS comments on the work plan attached.
Thanks!

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From: Julia Babcock [mailto:jjb@pdx.edu]
Sent: Thursday, August 08, 2013 11:05 AM
To: Mark Nystrom; Glenn Frederick; Rolando Mendez; Bruce Taylor; Lanny Quackenbush; Brett Brownscombe; DAMON Jamie * GOV; Margi Hoffman; Richard Whitman; nancy.salber@state.or.us; Judge Steve Grasty; Evyan Jarvis; garyoxley@gfoxleyinc.com; Baczkowski, Stacey; Theresa Burcsu; lisa.gaines@oregonstate.edu; Bill White; g4b@nwnatural.com; Brownstein, Shanna; Dawn M Davis; Eric Rickerson; holly.b.michael@dfw.state.or.us; Todd Cornett; John O'Keefe; Stacy Davies; Turner Odell; Isaac Sanders; Peter Dalke; meta.loftsgaarden@state.or.us; scott.bolton@pacificorp.com; Wangler, Tashiana; Brendan McCarthy; Marion Haynes; Lynn Sharp; Megan Decker; Varner; Rep Bentz; bakerl@leg.state.or.us; McMahan, Tim; Cathy Macdonald; Garth Fuller; Shauna Ginger; Bobby Cochran
Cc: Julia Babcock
Subject: Mitigation Work Group; Work Plan and July Meeting Notes

Good Morning Mitigation Work Group Members,

Attached is the draft work plan discussed at our July meeting for your review, a few minor edits and a gantt chart have been added. Please provide your feedback and or notes, it would be especially helpful if you have additional research, studies or scientific data sources/examples to suggest to help define and develop plan products, roles and elements.

Attached are *draft* meeting notes and the Mitigation Program Comparison Summary Sheet that we talked through at a high level to discuss different options for moving forward, please send any corrections or additions.

To make edits to these documents, please use track changes and submit back to me by next Friday August 16th.

Sincerely,

Julia

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DEVELOPING AN ALL LANDS/ALL THREATS MITIGATION PROGRAM
8/07/2013

Major Products

1) Memorandum framing the effort and describing the agreement in principle among the agencies on scope, structure, governance and adaptive management of mitigation program.

2) Summary of existing science on the species and habitat critical to informing the design of the Mitigation Program.

3) Text for the All Lands All Threats Plan describing the program including a set of recommendations on how we propose to establish new or modify key state and federal policies or programs to implement the new approach.

4) Version 1 Protocol Document for the mitigation program including program definitions, rules and methods.

5) Governance Agreement – Memorandum of Understanding or Cooperative Management Agreement defining how the agencies will jointly manage the mitigation program.

6) Assessment tools, maps and methods for maintaining the ability to identify – areas to avoid and areas to focus mitigation investments.

7) Legal documents, fund management mechanisms, revised permit applications, etc. needed to administer the program and the infrastructure/systems for registering and monitoring permits approvals, completion of mitigation requirements, and the status of offset investment projects.

8) Revised agency policies and procedures.

Roles for Participants

Decision Makers (GO/BLM/USFWS)
Governor's Office (State, Local Governments)
Bureau of Land Management
US Fish and Wildlife Service

Role of Mitigation Stakeholder Team (MST)
Provide input to GO/BLM/USFWS on the program goals, scope and eligible mitigation program types, program governance structure as well as key definitions and rules for administering the program and help advocate for policy and program recommendations made by the group.

Role of ALAT Technical Team (ALATTT)

- Summarizes biological and ecological information to inform program structure and policies.
- Develops adaptive landscape assessment tools and maps to inform areas that need to be avoided; assess unavoidable direct and indirect projects impacts; assess cumulative effects; develop minimization measures (i.e. BMPS); and identify strategic places and actions for offset investments[1].
- Provides technical input and review of the draft Version 1 Protocol Document for the Program.

Work Plan Elements

I. Design the Mitigation Program Goals, Governance and Adaptive Management:

[1] Except for the specific needs to define and map areas projects will need to avoid/cumulative effects analysis the rest of this work is the same work for the broader set of ALAT needs. Detailed steps for this work will be covered in the Technical Teams work plan.

Comment [FWS1]: It would be useful to have a chart and maybe some narrative for how the various groups mentioned here (MST, ALATT, etc) fit together. I know there will also be product overlap between the Fragmentation work group, for example.

Comment [FWS2]: One source to look at is the USFWS 2013 COT report

Comment [FWS3]: Related to comment above, an appendix of who the actual people are in these groups would be useful.

Comment [FWS4]: One of the key components missing throughout this document is how and where minimization measures, BMPs, etc. will be addressed. We recommend here.

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Task 1: Synthesize information on mitigation program options and best practices to inform development of: (a) program goals, principles and standards to follow; (b) the governance or administrative structure for implementing a mitigation program; (c) the scope of mitigation program – what specifically are we building~~–~~, what regulated resources we are addressing, and ~~. If it just covers a subset of the potentially regulated resources,~~ how we see this program intersecting with other regulations that require mitigation; (d)the types of development we are building a program to address [some types of development may have different regulatory paths in BLM or the State (mining versus energy) and some may have different kinds of footprints we will want to think through]; and (e) eligible mitigation program types (permittee responsible mitigation, In-lieu Programs, Marketplace Programs) for offsetting unavoidable impacts; (f) how in lieu funds, if used, should be accepted, invested and managed how offset investment decisions will be made/approved. Who: ALATTT/Contractor. Target date to complete – 9/15/2013. *MST review ~~and provide input in~~ 7/2013 and 9/2013.*

Comment [FWS5]: See USFWS OR sage-grouse mitigation foundations document for reference

Comment [FWS6]: Assuming we haven't definitively decided that in lieu will be used…

Task 2: Agree on draft administrative structure for the Mitigation Program including agency engagement, program goals, governance and adaptive management approaches. Who: (GO/BLM/USFWS). Product: Framing Memorandum. Target date to complete – 11/8/2013. *MST review ~~and provide input in~~ 9 and 10/2013.*

Comment [FWS7]: See USFWS OR sage-grouse mitigation foundations document for reference

Task 3: Write first draft text for the All Lands All Threats Plan describing the program goals, scope and governance of the program. Who: Richard/Jamie/Contractor. Product: Draft ALAT Plan sections. Target date to complete – 12/15/2013.

Task 4: ~~Draft a~~ Governance Agreement – Memorandum of Understanding or Cooperative Management Agreement defining how the agencies will jointly manage the mitigation program. Who: GO/BLM/USFWS. Product: ~~Draft~~ MOU/CMA. Target date to complete – Draft 3/15/2014, Final draft 9/30/2014. *MST review ~~and provide input in~~ 2/2014 and 7/2014.*

Comment [FWS8]: Made sense to combine these tasks

~~Task 5: Signed Governance Agreement – Memorandum of Understanding or Cooperative Management Agreement defining how the agencies will jointly manage the mitigation program. Who: GO/BLM/USFWS. Product: Draft MOU/CMA. Target date to complete – 9/30/2014. *MST review and provide input in 7/2014.*~~

II. Develop Mitigation Program Protocols or "Operating Manual" including rules and methods to address each step in the mitigation hierarchy:

~~Task 1: Agree on the draft outline of the protocol document. Who: (GO/BLM/USFWS). Product: Protocol Document Outline. Target date to complete – 9/30/2013. *MST review and provide input in 7/2013.*~~

Comment [FWS9]: Recommend deleting this task. Tasks 2-5 feed into this one (you would use the info gathered in those tasks to develop the protocol) and the drafting of the protocol is covered in Task 6

Task 2: Summarize existing science on the species and habitat critical to informing the design of the Mitigation Program. Who: Contractor/ALAT Technical Team. Product: White Paper. Target Date to Complete – 9/30/2013. *MST review ~~and provide input in~~ 9/2013.*

Task 3: Identify key decisions/recommendations we need to make regarding the Version 1 Protocols for the 2013 Draft All Lands All Threats Plan. Who: GO/BLM/USFWS. Product: Updated Work Plan. Target date to complete – 9/30/2013. *MST review ~~and provide input in~~ 9/2013.*

Comment [FWS10]: Not clear on what you mean by this task. Please add explanation

Task 4: Evaluate existing authorities & processes currently used by the regulatory agencies to permit a project by major project type [at a minimum for mining, transmission, energy generation facilities ~~for example~~]. Identify where there is overlap, where there are differences, what is movable/immovable

Comment [FWS11]: Meaning, what regulations are movable/immovable?

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and update~~s~~ work plan. Who: Contractor/ALAT Technical Team. Product: Evaluation of Existing Authorities and Processes. Target date to complete – 11/15/2013. *MST ~~to~~ review ~~and provide input in~~ 10/2013 or 11/2013.*

Task 5: Write text for ALAT Plan summarizing key elements of the Program (goals and standards; rules for avoidance, minimization, eligibility of offsets) to implement the new approach. Who: Richard/Jamie. Product: Mitigation Section of ALAT Plan. Target date to complete – 12/15/2013.

Task 6: Frame protocol options and recommendations ~~through the fall and winter~~ to inform rules governing: avoidance, minimization, quantification of unavoidable project impacts, translation of impacts into project debits, eligibility criteria for offsets, quantification of offset credits, methods for verifying and certifying credits, credit release schedules, cost structures for in lieu programs, methods for addressing delays in offset benefits, and determining rules for implementing advanced mitigation. Who: Contractor/ALATTT. Product: Memos and draft Version 1 Protocol Document. Target date to complete all – 3/30/2014 *GO/BLM/USFWS and MST to review ~~and provide feedback~~ through the fall and winter to refine recommendations.*

Task 7: Approve draft program rules. Who: GO/BLM/USFWS. Product: Version 1 Protocol Document Target Date to complete – 4/5/2013. *MST to review ~~and provide input in~~ 2/2014.*

Task 8: Identify policy/program changes needed to implement the program. Who: GO/BLM/USFWS. Product: Policy Recommendations. Target date to complete – 5/15/2013. *MST ~~gets to~~ review ~~and provide input in~~ 3 and 4/2014.*

III. Develop adaptive landscape assessment tools and maps to inform areas that need to be avoided; assess unavoidable direct and indirect projects impacts; assess cumulative effects; develop minimization measures (i.e. BMPS); **and identify strategic places and actions for offset investments:**
[Tasks will be detailed in the ALAT Technical Team work plan.]

IV. Identify or develop implementation procedures/systems/templates:

Task 1: Align development permit review procedures by defining roles and responsibilities for reviewing and approving permit requests, and develop joint permit application forms as appropriate. Who: GO/BLM/USFWS. Product: Process and Permit Documents. Target date to complete – 9/2014. *MST ~~gets to~~ review ~~and provide input in~~ 6/2014 and7/2014.*

Task 2: Align mitigation bank approval process and compensation planning frameworks for any In Lieu projects, establish~~ing~~ and ~~updating~~ update cost structures and develop~~s~~ supporting legal documents for certifying same. Who: GO/BLM/USFWS. Product: Process and Permit Documents. Target date to complete – 9/2014. *MST ~~gets to~~ review ~~and provide input in~~ 6/2014 and7/2014.*

Task 3: Identify or design credit verification and certification procedures and supporting tracking systems. Who: Contractor/ALATTT. Product: Credit Verification and Certification Procedures/Systems. Target date to complete – 9/2014. *MST ~~gets to~~ review ~~and provide input in~~ 6/2014 and7/2014.*

Task 4: Draft Contracts/Legal Agreements/Designation policies and procedures needed to certify offsets. Who: Contractor. Product: Draft Contracts/Legal Agreements/Designation policies and procedures. Target date to complete –9/2014. *MST ~~gets to~~ review ~~and provide input in~~ 6/2014 and 7/2014.*

Comment [FWS12]: Is this the same as Task 3 in Section I?

Comment [FWS13]: Assume this is where any disturbance threshold, impacts to core and non-core, etc will be addressed? How or will other species fit in?

Comment [FWS14]: Combine with task 6?

Comment [FWS15]: Develop implies starting from scratch. Some of these tools exist. Is there a better word or phrasing?

Comment [FWS16]: Has In Lieu as a program been decided? The previous tasks involve trying to make that decision but this task indicates the decision has been made…

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Task 5: Revise agency policies and procedures. Who: GO/BLM/USFWS. Products: Mitigation Policies and Procedures. Target date to complete - ????. *MST ~~gets to~~ review ~~and provide input in~~ ????*

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