

## Greater Sage-Grouse Mitigation Framework



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### Greater Sage-Grouse Range-Wide Mitigation Framework Questions and Answers

#### ***What is the purpose of the Greater Sage-Grouse Range-Wide Mitigation Framework?***

The purpose of the Framework is to outline factors the Service is likely to consider when evaluating the efficacy of mitigation practices and programs in reducing threats to the greater sage-grouse. The Service recommends the use of an avoidance-first strategy for all identified sage-grouse habitat, especially Priority Areas for Conservation and other areas of habitat identified as important to sage-grouse populations. Unavoidable impacts occurring in any sage-grouse habitat should be fully compensated. The Framework provides mitigation standards and sideboards that can be used to guide the development of compensatory mitigation practices and programs.

#### ***Is the Framework mandatory?***

The Framework provides recommendations, not requirements. There is no one right or correct design for a mitigation program. Rather, this guidance is intended to encourage consistency across the range and help our many partners develop or strengthen mitigation programs that simultaneously conserve sage-grouse while maintaining or enhancing economic opportunities throughout the sage-grouse range. However, if programs are being developed with the intent to provide pre-listing mitigation credits (described below), the Service strongly encourages adherence to the principles and standards in the Framework.

#### ***How will the Framework impact programs that are being developed or are already in place?***

The Framework provides factors to measure the efficacy of existing or developing programs. It also provides broad guidance to assist with mitigation program development and implementation at any stage.

#### ***How does the Framework address pre-listing mitigation credits?***

Using pre-listing mitigation credit could provide a major incentive to provide on-the-ground conservation now, and may also be a market driver for mitigation programs. Pre-listing mitigation replaces “advanced crediting,” our previously used term, to avoid confusion with a term that is used in wetland mitigation banking.

In the Framework, pre-listing mitigation refers to explicit recognition from the Service that actions or credits developed or acquired in advance of impacts and in advance of a listing decision will be considered as a conservation action in a status review. These credits could count as compensatory mitigation through ESA consultations should the species be listed, in which case the status review will evaluate the net effect of the actions or credits produced..

The Framework provides a road map of mitigation principles and standards to follow to achieve robust mitigation for sage-grouse, regardless of its federal ESA listing status. However, the Service recognizes that stakeholders will want to know how conservation efforts in place before a species is listed will be treated in a post-listing scenario. Pre-listing mitigation agreements signed with the Service can provide stakeholders with regulatory predictability. Such an agreement is new to the Service; thus, the Framework is silent on its structure to provide local-level flexibility in its design.

### ***Does the Framework apply to individual development projects?***

These mitigation principles and standards are applicable at any stage and for any stakeholder involved in a mitigation process, including individual development projects. However, the Framework was intended primarily to guide state governments and federal agencies as they develop programmatic approaches to siting development and provide compensatory mitigation for unavoidable impacts to sage-grouse. The Service believes that moving away from project-by-project negotiated mitigation is necessary to facilitate the broader planning and conservation efforts that are necessary for this landscape-level species.

### ***What is the relationship of the Framework to existing policy and guidance?***

The Framework is consistent with recent Department of the Interior statements regarding mitigation, i.e., Secretary of the Interior’s Order 3330 entitled “Improving Mitigation Policies and Practices of the Department of the Interior” (October 31, 2013) and the Department of the Interior’s mitigation report (April 2014). The Framework also draws from the Service’s 1981 Mitigation Policy and 2003 Conservation Banking guidance. The recommendations provided here are consistent with the information and conservation objectives provided in the 2013 Conservation Objectives Team (COT) Report for sage-grouse.

### ***How does the Framework relate to the Service’s proposed Policy for Voluntary Pre-listing Conservation Efforts?***

In mid-July of 2014, the Service asked for public comment on a proposed Policy for Voluntary Pre-listing Conservation Efforts. There are similarities and differences between the proposed Policy and this Framework.

The Framework recommends principles and standards for federal, state and local government agencies to apply to effectively and consistently mitigate the effects of development activities on the sage-grouse; in contrast, the proposed Policy is applicable to any candidate or at-risk species and describes a set of circumstances in which the Service will give post-listing mitigation credit under the ESA to conservation actions undertaken before listing. Both the Framework and the proposed Policy accept that conservation actions that go above and beyond the commitments agreed to in a Candidate Conservation Agreement with Assurances (CCAA) may be applied as mitigation. The Framework provides additional sideboards regarding how mitigation actions may be implemented on land enrolled in a CCAA.