

From: [Berglund, Jeff](#)
To: [Jodi Bush](#)
Subject: Fwd: GRSG: example language and comment excerpts for consideration in MT EO clarification
Date: Wednesday, November 19, 2014 12:23:46 PM

just sent this but spaced the cc to you...

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From: **Berglund, Jeff** <jeff_berglund@fws.gov>
Date: Wed, Nov 19, 2014 at 12:23 PM
Subject: GRSG: example language and comment excerpts for consideration in MT EO clarification
To: "Baker, Tim" <tbaker@mt.gov>

Hi Tim. Hope all is well. Jodi asked that I pass on a few items regarding prescribed burns, mitigation, and a structured avoidance example for powerlines. The prescribed burn language is draft, but is very close to where we'll end up with BLM (nationally). We didn't want to wait any longer for the final language to be distributed, with the result of delaying your ongoing clarification efforts. We'll send you that once we receive it. The other comments are highlight excerpts from our Dec 2012 comments - just so you don't have to hunt for them. Thanks much and just call with any questions.

Draft Fire (prescribed burn) language from coordination with BLM:

- Avoid using prescribed fire in GRSG habitat unless evaluation of site-specific conditions demonstrate that there would be a net benefit for GRSG. If prescribed fire is used in GRSG habitat, include an analysis that indicates how GRSG goals and objectives will be addressed and met by its use, why alternative techniques were not selected, and a risk assessment to address how potential threats to GRSG habitat would be minimized.
- If prescribed fire is to be used at the implementation level, at a minimum, the burn plan will indicate how COT/conservation plan objectives would be addressed and met and why alternative techniques were not selected.
- Avoid prescribed fire as a vegetation or fuels treatment in Wyoming big sagebrush or other xeric sagebrush species, or in areas with a potential for post-fire exotic annual dominance. However, after other treatment opportunities have been explored and as site-specific variables allow, prescribed fire could be used in these areas to meet specific fuels objectives that would maintain, improve, or restore GRSG habitat (e.g., creation of fuel breaks that would disrupt the fuel continuity across the landscape in stands where annual invasive grasses are a minor component in the understory, burning slash piles from conifer reduction treatments, used as a component with other treatment methods to combat annual grasses and restore native plant communities).
- Allow no treatments in known winter range unless the treatments are designed to strategically reduce wildfire risk around and/or in the winter range and would protect, maintain, increase, or enhance winter range habitat quality.

Excerpts from mitigation comment, from 12/09/2013 FWS letter (emphasis added):

55). IX. Mitigation Framework, p30: The mitigation framework, and its sequence of component consideration (avoid, minimize, rectify/reclaim, and compensate) should apply to core areas, connectivity areas, and general habitat. It may apply differently in each of these three areas (e.g., compensatory mitigation extent, amount [ratios], timing, etc.) but it is important that the sequence apply to all projects subject to Strategy stipulations. We understand that this element of the Strategy is to be fleshed out by the MSGOT or similar group per some of the guidance documents listed in the Strategy,

including the Service's GSG compensatory mitigation guidance. However, it is important for the Strategy to clearly convey, to the extent possible, under what circumstances compensatory mitigation would apply.

As stated in previous comments, we recommend that compensatory mitigation be required for all projects that would result in direct, indirect, temporary, and permanent impacts to GSG that would remain following application of avoidance, minimization, and reclamation / rectification such that neutral or positive GSG population trends and habitats would be maintained. (note: the September 2014 GSG mitigation guidance document advocates for the goal of net conservation gain - could this be incorporated?). This particularly applies to core areas, but to connectivity and general habitats also.

We generally recommend mitigation implementation in advance of impacts, and acknowledge that the Strategy specifies this approach. Advance (functionality demonstrated by GSG use) compensatory mitigation to offset any approved proposed disturbance to suitable habitat in core areas that would exceed the 5% disturbance threshold should be required in all cases. All proposed compensatory mitigation should be subject to MSGOT review.

We recommend that the Strategy also specify at least the minimum components of a compensatory mitigation plan, which should include:

- Effects assessment (determination of what impacts are being mitigated, or offset)
- Description, location, specifications, timing, duration of proposed mitigation action
- Additionality determination (actions proposed as compensatory mitigation must provide benefits beyond [additional to] those that would be achieved anyway under applicable regulations and/or land-use management plans)
- Assessment of how mitigation would offset impacts ("credits" verses "debits")
- Financial assurances description
- Performance standard description
- Monitoring and adaptive management (contingency) description

Powerline comment from 12/09/2013 FWS letter (example of avoidance hierarchy approach):

Where placement of power lines and communication towers in core areas is documented to be unavoidable, we recommend adherence to the 4-mile buffer proposed in the original draft version of the Strategy to protect nesting habitat and minimize indirect fragmentation / avoidance impacts. As an alternative, we recommend the following **sequential approach** (including required compensatory mitigation as discussed in Comment 19 above).

Where placement of power lines and communication towers in core areas is demonstrated to be unavoidable:

- 1) power lines and communication towers should be located a minimum of 4 miles from active

leks (per the original draft version of the Strategy); if not possible then

2) overhead power lines within 4 miles of active leks should be buried (if technically feasible); if not feasible then

3) power lines and communication towers should be consolidated / co-located with existing features outside of the 1 mile base active lek NSO (for power lines, resulting in a cumulative corridor width < 200 meters and with anti-collision measures / perch inhibitors installed); if not possible then

4) power lines and communication towers should be located in non-GSG habitat as far as possible from leks and outside of the 1 mile general active lek NSO, provided it is clearly demonstrated that the development would not result in indirect impacts such as habitat fragmentation or avoidance of nesting habitat.

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