

Greater Sage-Grouse Range-Wide Mitigation Framework

Advancing Mitigation to Address Threats and Communicate Options

- I. **USFWS Foundations/Principles for a Mitigation Framework**¹ (Is this our opening? Do we want an intro of some sort)?

(see document on Sharepoint and edit at will. It or language from it will be put here).

- a. Goals *-for successful mitigation programs that contribute to sage-grouse conservation*
- b. Principle/Standards *-for planning, additionality, durability, etc. of mitigation actions*

II. **Structural Components “Nuts and Bolts”**

- a. Sources of Demand

Need for mitigation is driven by disturbance, specifically development, and the regulation or threat of regulation on that disturbance. Environmental ethic or Green PR are other potential sources. PECE and 5-factor language...

- i. Development Sectors *–type and scope of impacts from development, e.g. energy*

What types of impacts or disturbances warrant avoidance, minimization and offsets? Which one are currently regulated or could be regulated in the future by local or state authorities?

Recommendations: Based on major threats to sage-grouse in your state, identify types of disturbance, including natural and human-footprint. Identify development that may impact the species - Frequency, scope, future.

- ii. Spectrum of State/Local regulatory mechanisms *–types of regulatory mechanisms that create mitigation requirements, e.g. state laws, local ordinances*

The mechanisms that regulate these disturbances are the primary driver for mitigation. (5-factor analysis language on inadequacy of regulatory mechanisms). The Service recognizes that federal, state and local laws vary across the landscape. However, when determining the adequacy of regulatory mechanisms, those that alleviate threats and can show certainty in doing so for the long term are better. (rank the strength of these mechanisms, i.e. state law is stronger than an executive order, etc.)

Recommendation: based on the major threats to each state, identify existing authorities and processes currently used by agencies to permit major project types. Note where there is overlap and where efficiencies can be made in a short timeframe.

¹ See Oregon example on SharePoint

- iii. **Regulatory Predictability** –*regulatory certainty from the Service for pre-listing voluntary actions that contribute to precluding the need to list and/or advanced mitigation credits for potential post-listing needs*

Another driver for candidate species in particular is the idea of having reg certainty from the Service for pre-listing voluntary actions that contribute to precluding the need to list. (talk about PECE). Related, the Service can enter into agreements that show how to treat advanced mitigation credits in a post listing scenario. Incentivizing early actions helps preclude the need to list, if PECE is met. The Service prefers CCAAs, CBAs or agreements with similar standards (others?). We do not have a clear tool for this. But NCB also preferred over NNL (expand).

- b. **Sources of Supply** - If offsets needed, then where, how and how long is key to a successful mitigation program.

- i. **Scope** –*service areas, jurisdictional & biological boundaries, planning*

Identifying clear geographic areas where avoid and offsets can happen will be necessary (siting, planning language here). Typically, large areas make for economies of scales but have to be relevant to the bird. From developers, this helps in planning. Jurisdictional issues may be relevant and for large service areas, you must address these (e.g. county permits may not allow for mitigation outside the county).

- ii. **Land Ownership/Management** –*public, private, split estate*

Mitigation world has historical preference for private land because of malleability of federal land use (see paper addressing this more – we can pull from this language; for this section I’m not sure we should have recommendations for one over the other, but maybe spell out pros and cons...)

- iii. **Agreement Type**–*in lieu, MOUs, easements, credit exchange, banks*

Agreements can demonstrate durability of a mitigation program. (see principles) There are many options (see “c”).

Recommendations: (do we want to rank the strength of agreements? CBAs v MOUs v CCAAs, etc?)

- iv. **Conservation Measures** –*e.g. preservation, restoration, research*

Conservation measures relate to additionality. For compensatory mitigation, measure must be above what would already occur under normal management (legally and ecologically). The types of conservation measures that are acceptable depend on the species needs. For sage-grouse, preservation may be the highest priority in some populations. Nearly all mitigation programs will have to address restoration. Out of kind may be sufficient if you can make the accounting work (e.g. fire restoration for wind). Research, also controversial, may play a role if you can show how research ties into mitigation.

c. Transactional Infrastructure “the Exchange”

- i. Governance/Administration – *who runs the program; agreement types and signatories, trades, verification, monitoring, reporting, compliance, etc.*

Related to the regulatory mechanism issue, who runs the mitigation program, what authority they have, their ability to deal with funds and long term management, etc. is important to show the Service durability. (really this points back to the principles again...I feel like we can pull some of those in this section and do a pros and cons instead of making a recommendation).

- ii. Currency/Metrics and Equivalence – *e.g. measurement system for impacts & offsets, relationship to other program metrics (e.g. CCAAs, SGI)*

Ultimately, metrics must tie back to populations. Must have ways to deal with change of science, etc. Must be simple and clear. Answer questions such as how to deal across states and blm? Coordination is key.

Suggestions (see “Measuring Up” document).

III. Communicating Options - Applicability to States

(I’m wondering if this section is necessary if we embed the recommendations under each section above? We could still provide examples...)

- a. Regulatory Mechanisms Menu – *options related to II.a.ii , Service preferences*
b. Menu of Options for Transactional Infrastructure/Programs – *options related to II.c.i*
c. Current Examples –*that may illustrate pros and cons, from sage-grouse or other species*