

Greater Sage-Grouse Mitigation Broad-Level Considerations for BLM/FS

INTRODUCTION

MITIGATION FOR ALL

All anthropogenic development? activities [define?] in all sage-grouse habitat [define: PPMA, PGMA?] shall follow the mitigation sequence with an aim for net conservation gain for greater sage-grouse at discrete biological scales which are meaningful to the species [define?: PAC, population, service area, etc.].

Comment [UF&WS1]: Concern here with treating core habitats and general habitats in the same manner – differentiate somehow?

Comment [UF&WS2]: Specifically exclude grazing here?

- Sequence: Mitigation refers generally to following the sequence as defined by CEQ (40 CFR 1508.20; avoid, minimize, rectify, reduce or eliminate over time, and compensate). The Service recognizes it is generally preferable to avoid, minimize, rectify and reduce adverse effects to resources, in that order, before compensating for their loss. However, the surest way to ensure no net loss from anthropogenic activities is to avoid impacts through administrative designations (area/activity closures, no surface occupancy [NSO] restrictions, right-of-way [ROW] exclusion designations, etc.) and use of other tools such as adequate lek buffers, [regulatory mechanisms and exclusion tools such as lek buffers, NSOs, other?].
- Net gain: The BLM/FS goal for mitigation planning should be to ensure that an action results in no net loss (aka no net unmitigated loss) of...? (suitable habitat?) and preferably a net conservation gain (aka net positive conservation, net conservation benefit) towards achieving BLM/FS conservation objectives for sage-grouse. If avoidance is not possible, aiming for a sustainable net gain in conservation outcomes is necessary to manage the risk and uncertainty that is inherent in mitigation planning to/from offsetting residual impacts that may remain following application of be left from minimization, rectification, reduction over time, and compensation efforts. This is especially important in PACs and other locally-identified important habitats.
- Scale: [will depend on area, start with recommendations for PAC?]
- Anthropogenic Activities: Mitigation should be based on a complete assessment of all direct and indirect impacts associated with a proposed action and should apply to all anthropogenic development disturbances over for which BLM/FS have authority[connection?]. Anthropogenic development disturbances include those resulting in adverse habitat alteration or loss, as well as disruptive activities likely to alter the behavior of, displace, or cause excessive stress to sage-grouse during crucial life stages [define? (do we specifically exclude non-discrete disturbance like grazing and some recreational activities?)]. Mitigation of all anthropogenic development impacts and across all ownerships should be a condition for approval of BLM authorization of use of the BLM lands. BLM should utilize its authority to suspend or revoke BLM land-use authorizations if agreed-upon mitigation on BLM or non-BLM managed land is ultimately not provided. (This does not imply that BLM will require all impacts to be mitigated on BLM land or that BLM has authority to force mitigation actions to occur on non-BLM land, but only that BLM authorization decisions will be premised on assessments of the impacts of the project as a whole and that all such impacts will be appropriately mitigated.)

Comment [UF&WS3]: Maybe define the “max” scale at the population level to be consistent with COT Report? Several PACs can occur within a pop, and both core and general habitat can be related to a pop, but general habitat occurs outside of PACs. This makes it difficult to relate general habitat impacts/mitigation to the PAC scale.

Comment [UF&WS4]: Probably worth mentioning I had the same comment earlier...

- All Habitat: [do we use occupied range, BLM designations (PPMA, PGMA) or a laundry list by state?] Maybe something like "Mitigation should apply to all suitable habitat in occupied sage-grouse range, with highest impact avoidance and, where unavoidable, compensation priority (applying net conservation benefit goal) assigned to PACs and other locally identified important habitats (including core habitat and analogues). Suitable habitat loss/adverse alteration outside of PACs should be mitigated with the goal of no net habitat loss, at a minimum. Where necessary, compensatory mitigation in PACs and other important habitats should be implemented and functional prior to authorization of unavoidable impacts." ????

CONSERVATION BOARDS AND REGIONAL MITIGATION STRATEGIES

The BLM/FS should foster partnerships to contribute to or design mitigation strategies that will prevent fragmented landscapes and restore core areas and connectivity necessary to sustain sage-grouse, regardless of land ownership or jurisdictional borders. Regional Conservation Boards and Regional Mitigation Strategies may be [best implemented?] at the state level as part of state mitigation plans, but should also be informed by larger scale-appropriate [plans/oversight?] biologically meaningful to sage-grouse, such as [WAFWA management zones]. It is critical that BLM/FS and state strategies be coordinated and compatible. For any Board or other organized group, an operating plan should be developed which includes how the entity will conduct business, contribute to mitigation strategies, and resolve differences.

- Mitigation planning should be integrated into a broader ecological context with applicable landscape-level conservation planning. For mitigation to be effective, it must be incorporated early on in implementation-level project planning and consistently applied across administrative boundaries and across similar land-use authorizations. The program should be robust enough to ensure that impacts are first avoided and that any unavoidable impacts to sage-grouse are offset in a manner that is a beneficial tradeoff to the species. Robustness is measured by providing clear mechanisms under which the program will operate with underlying mitigation principles and standards related to effectiveness, durability, and additionality of mitigation actions. This requires a collaborative, unified approach between Federal agencies, Tribal governments, state and local government(s), and other stakeholders.
- Mitigation strategies should provide clear mechanisms for compliance/enforcement. If there is no plan for this, the Service will have a difficult time agreeing that the threat of inadequate regulatory mechanisms is address~~ing~~ (because mitigation may not be offsetting impacts adequately)
- BLM/FS have [opportunity, means, political means?] to operate across state and county boundaries, therefore, are better positioned to lead cross-state efforts through an organized group [Board?].

DURABILITY

We recommend that the BLM/~~FS~~ provide a description of the land protection tools that would apply to BLM-managed lands (i.e., the various Legislative/statutory, Administrative Designations, Administrative Allocations, and/or Policy directives BLM/~~FS~~ will use and the relative degree of legal permanence/certainty they provide).

- Because of the permanence (or significant uncertainty regarding persistence) of many impacts that will result from land development activities, the legally-protected status of most mitigation actions (i.e., their durability) must also be very long-term or permanent in nature. Conservation easements, deed restrictions, or other equivalent instruments are typically utilized to attain durability on non-Federal lands. However, these may not be applicable on BLM/FS lands.