

## SAGE-GROUSE MITIGATION FRAMEWORK COMPONENTS - QUESTIONS

These questions are intended to guide development of individual sage-grouse mitigation programs.

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### I. MITIGATION PROGRAM GOALS AND OBJECTIVES

1. How does the mitigation program aim to avoid impacts to sage-grouse and achieve a net conservation gain by mitigating for unavoidable impacts to sage-grouse across all habitats? At what scale(s) will this be measured?
2. How does the mitigation program address equitability (i.e. how will the mitigation hierarchy be applied across impact types and land ownerships in an equitable manner)?
3. What are other basic objectives of the program (e.g. implementable regardless of listing, cover other resources)?

### II. COVERED ACTIVITIES

1. How are sage-grouse habitat classifications defined for the covered area (e.g., core, low density, occupied habitat, seasonal)?
2. Will any sage-grouse habitat type not be included in the mitigation program (and why)?
3. Will any other regulated resources be covered by the program (e.g. big game winter range, Bald and Golden Eagle Act, wetlands, etc.)?
4. What types of development activities will be covered?
5. What existing regulatory mechanisms relate to covered activities (e.g. permit requirements)?
6. Which development activities have been identified as threats to sage-grouse (e.g. in the COT Report)?
7. How much demand for compensatory mitigation are development activities expected to create?
8. Does there need to be a process to include other development activities in the future?

### III. MITIGATION PROGRAM GOVERNANCE

1. Who is in charge of administering different parts of the program?
- 1-2. Is the program a stand-alone state-managed effort, or a jointly managed effort between state, federal, tribal and/or other agencies?
- 2-3. How are relationships among different agencies and stakeholders managed?
- 3-4. What compensatory mitigation transaction models will be supported (conservation banking, permittee-sponsored mitigation, credit exchange, and/or fee-in-lieu)?
- 4-5. How will any mitigation funds be managed and by whom?
- 5-6. What trigger points can be identified that would indicate that changes to the program are needed and how will changes be implemented?
- 6-7. How is participant confidentiality addressed?
- 7-8. How will information on impacts, offsets, and any credit trading be tracked?
- 8-9. How are the results reported to the Service or others?
- 9-10. Will advanced crediting (for potential use in a post-listing scenario) be part of the program and if so, what will the agreement with the Service look like?
- 10-11. How will the program provide for coordination across jurisdictions (including, across states)?

| ~~11.~~12. Will the Service play a role in any part of the program (development, review, etc)?

#### IV. MITIGATION HIERARCHY

##### A. Avoiding Impacts

1. What triggers review and entry into the mitigation hierarchy process?
2. Are there any avoidance areas (e.g. NSO, lek buffers, etc.)?
3. What measures are used to determine if habitat is avoided? Do they include direct and/or indirect impact measures?
4. What criteria or regulatory mechanisms are used to emphasize, require, and/or enforce avoidance? Specifically, what compliance measures are in place to ensure avoidance (e.g. permit denial)?
5. Is there a cap on disturbance, and at what scale and in which sage-grouse habitat types does it apply? Does it include direct and/or indirect impacts? What are the data source and methods?

##### B. Minimizing Impacts

1. Under what circumstances will minimization measures be employed?
2. What practices can developers use to minimize impacts?
3. What criteria or regulatory mechanisms are used to require and/or enforce minimization? Specifically, what compliance measures are in place to ensure impacts are minimized (e.g. permit denial)?
4. How are minimization measures monitored and are there triggers for adaptive management?

##### C. Rectifying/Restoring Impacts

1. Is there an identified timeframe that rectification must occur?
2. How are rectification measures monitored and enforced?

##### D. Compensating (Offsetting) for Unavoidable, Residual Impacts

###### a) Impact (Debit) Assessment

1. How should impacts generally be measured (e.g. functional acres, acres, number of birds)?
2. Will impact assessments take into account duration (i.e. temporary versus permanent impacts)?
3. From what baseline will impacts be calculated (e.g. current condition, future condition)?
4. How will the impact assessment method address direct impacts, indirect impacts, and cumulative effects?

###### b) Offset (Credit) Assessment

1. How should offsets generally be measured (e.g. functional acres, acres, number of birds)?
2. From what baseline will offsets be calculated? In other words, are credits awarded on the difference between current and future condition (emphasizes enhancement and restoration), or just on future condition (emphasizes preservation), or on future condition with a minimum enhancement requirement?
3. How will risk and uncertainty of restoration and management factor into offset calculations?
4. How will duration of impacts (e.g. temporary versus permanent) factor into offset calculations?
5. How will the timing of mitigation implementation (e.g. in advance of, concurrent with, or subsequent to impacts) factor into offset calculations?

4-6. Under what circumstances would demonstration of functional mitigation in advance of impacts be required?

c) Impact to Offset (Debit to Credit) Relationship

1. Will the quantification methods (metrics) for debits and credits be the same? If not, why?
2. How will the outcomes of the debit and credit metrics combine into a credit quantity to ensure that impacts are offset such that there is a net gain to sage-grouse (e.g. via ratios, multipliers)?
3. What criteria will be used to determine when in-kind or out-of-kind mitigation for habitat types (e.g. brood rearing, wintering, nesting) is more appropriate?
4. What process is in place to adaptively manage the metrics?
5. What process is in place to approve new metrics?
6. How will the program address time delays between impacts and offsets (e.g. with ratios)?
7. How are service areas defined?
8. What mechanisms are in place to provide for or use credit available in other programs or states?

d) Criteria for Compensatory Mitigation (Offset) Projects

1. What criteria are used for locating and prioritizing sites for compensatory mitigation?
2. Is there a preference for compensatory mitigation on a particular land ownership type (e.g. public, private) and why?
3. What pre-conditions must a site meet before being able to provide mitigation credits?
4. Will there be a minimum number of credits or site functionality before any credits are released?
5. How do other agreements (e.g. CCA, CCAA, SGI) affect eligibility to sell credits?
6. What constitutes onsite versus offsite mitigation, and when is onsite mitigation preferred to offsite?
7. Does less than permanent protection count? If yes, how?
8. Is credit provided for avoided loss? Under what circumstances?
9. What constitutes additionality (e.g., above and beyond legal requirements, above business as usual, etc.)? Does this differ by land ownership and if so, why?
10. What are the mechanisms for ensuring durability of protection on various land ownership types? How are split estates handled?
11. What conservation types (e.g., preservation, enhancement action, etc.?) and actions (e.g. juniper removal, fence marking) can generate credits?
12. Who verifies credits (e.g., permitting agencies, third parties, etc.)?
13. Who approves the final mitigation instrument for a site and certifies release of credits?
14. How do you ensure that the credits represent the right conservation in the right locations?
15. What role, if any, can public funds or restricted conservation dollars play in mitigation (e.g., Farm Bill dollars)?
16. Can other resources be stacked (e.g. carbon, wetlands)?
17. How should ongoing stewardship be ensured (e.g., proof of endowment or maintenance funds, when funds should be set aside, designation of a steward, qualifications of a steward)?
18. For each eligible conservation practice, what criteria are needed to make sure it's implemented and maintained correctly?
19. What performance standards and monitoring techniques/durations will be applied at used for mitigation sites? Will there be standardized defaults, or will everything be site-specific?

20. What happens if performance standards are not being met either because of force majeure or things within a credit developer's control? Specifically, how will wild fire be addressed?
21. What content needs to be in the monitoring reports and how often and to who are they submitted?