

GREATER SAGE-GROUSE RMPA/FEIS TEMPLATE LANGUAGE FOR ADDRESSING **MITIGATION**

[] = Instructions

[] = Fill in the blank

[This mitigation language addresses greater sage-grouse. However, if you are working on a plan revision, you will need to add additional language to be more inclusive of other resource and value objectives (e.g. cultural resources, national historic trails, recreation values, other special status species) that may need to be mitigated.]

Chapter 1 - Introduction

[Nothing new to add to EIS]

Chapter 2 – Alternatives – [Proposed Plan/Proposed Plan Amendment]

- Add these two new sections (below) to the **Chapter 2 Alternatives** section.
- Replace the Regional Mitigation placeholder language that was included in the draft EIS with the new “Mitigation” section, below.
- Ensure a degree of consistency between this nationally standardized language and that found in the rest of the EIS.
- Fine tune this language, if necessary, but maintain consistency with the other BLM/USFS plan amendments.
- Remove references to USFS for plans that do not address US Forest Service lands

Consistent with the proposed plan’s goal outlined in [Table 2-X – Description of Alternatives], the intent of the [Proposed Plan/Proposed Plan Amendment] is to achieve a net conservation gain to the species by implementing conservation actions (e.g. Federal restoration efforts) and applying a no net unmitigated loss standard for authorized land uses. This is also consistent with BLM Manual 6840 – Special Status Species Management, Section .02B, which states “to initiate protective conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of the need for listing of these species under the ESA.

Mitigation

Mitigation Standards. The BLM/USFS will achieve no net unmitigated loss for authorized land uses within greater sage-grouse priority and general habitat. No net unmitigated loss means that impacts from authorized land uses will be fully offset to benefit the species. Mitigation will follow the regulations from the White House Council on Environmental Quality (CEQ) (40 CFR 1508.20; e.g. avoid, minimize, and compensate), hereafter referred to as the mitigation hierarchy. If impacts to greater sage-grouse or its habitat from authorized land uses remain after applying avoidance and minimization measures (i.e. residual impacts), then compensatory mitigation projects will be used to fully offset those residual impacts in order to achieve the no net unmitigated loss standard. Any compensatory mitigation will be durable, timely, and in addition

to that which would have resulted without the compensatory mitigation (see the concepts of durability, timeliness, and additionality as described further in Appendix X).

Greater Sage-Grouse Conservation Team. The BLM/USFS will establish a WAFWA Management Zone Greater Sage-Grouse Conservation Team (hereafter, Team) to help guide the conservation of greater sage-grouse, within 90 days of the issuance of the Record of Decision. This Team will develop a WAFWA Management Zone Regional Mitigation Strategy (hereafter, Regional Mitigation Strategy). The Team will also compile and report on monitoring data (including data on habitat condition, population trends, and mitigation effectiveness) from States across the WAFWA Management Zone (see Monitoring section). Subsequently, the Team will use these data to either modify the appropriate Regional Mitigation Strategy or recommend adaptive management actions (see Adaptive Management section).

The BLM/USFS will invite governmental and Tribal partners to participate in this Team, in compliance with the exemptions provided for committees defined in the Federal Advisory Committee Act and the regulations that implement that act. The BLM/USFS will strive for a collaborative and unified approach between Federal agencies (e.g. FWS, BLM, and USFS), Tribal governments, state and local government(s), and other stakeholders for greater sage-grouse conservation. The Team will provide advice, and will not make any decisions that impact Federal lands. The BLM/USFS will remain responsible for making decisions that affect Federal lands.

Developing a Regional Mitigation Strategy. The Team will develop a Regional Mitigation Strategy to inform the mitigation components of NEPA analyses for authorized land uses associated with impacts to greater sage grouse and its habitat. The Strategy will be developed within one year of the issuance of the Record of Decision. The BLM's Regional Mitigation Manual MS-1794 will serve as a framework for developing the Regional Mitigation Strategy. The Regional Mitigation Strategy will be applicable to the States/Field Offices/Forests within the WAFWA Management Zone's boundaries.

Regional mitigation is a landscape-scale approach to mitigating impacts to resources. This involves anticipating future mitigation needs and strategically identifying mitigation sites and measures that can help achieve the greatest conservation benefit for greater sage-grouse and its habitat. The Regional Mitigation Strategy developed by the Team will elaborate on the components identified above (i.e. avoidance, minimization, and compensation; additionality, timeliness, and durability) and further explained in Appendix X.

In the time period before the Strategy is developed, BLM will consider regional conditions, trends, and sites, to the greatest extent possible, when applying the mitigation hierarchy and will ensure that mitigation is consistent with the standards set forth in the first paragraph of this section.

Incorporating the Regional Mitigation Strategy into Land Use Authorization Analyses. The BLM/USFS will include the avoidance, minimization, and compensatory recommendations from the Regional Mitigation Strategy in one or more of the NEPA analysis' alternatives for authorized land uses that may impact greater sage-grouse or its habitat and the appropriate mitigation actions are carried forward into the decision.

Implementing a Compensatory Mitigation Program. The BLM/USFS need to ensure that compensatory mitigation is strategically implemented to achieve the greatest conservation benefit, as identified in the Regional Mitigation Strategy. In order to align with existing compensatory mitigation efforts, this compensatory mitigation program will be implemented at a State-level (as opposed to a WAFWA Management Zone, a Field Office, or a Forest), in collaboration with our partners (e.g. Federal, Tribal, and State agencies).

To ensure transparent and effective management of the compensatory mitigation funds, the BLM/USFS will enter into a contract or agreement with a third-party to help manage the State-level compensatory mitigation funds, within one year of the issuance of the Record of Decision. The selection of the third-party compensatory mitigation administrator will conform to all relevant laws, regulations, and policies. The BLM/USFS will remain responsible for making decisions that affect Federal lands.

Chapter 3 – Affected Environment

[Nothing to add]

Chapter 4 – Environmental Consequences – [Proposed Plan/Proposed Plan Amendment]

Mitigation

This Chapter describes the environmental consequences associated with the impacts to greater sage-grouse and its habitat from activities carried out in conformance with this plan, coupled with the mitigation of those activities and the goal of no net unmitigated loss. In addition, to help implement this [Proposed Plan / Proposed Plan Amendment], a WAFWA Management Zone Regional Mitigation Strategy (per Appendix [X]) will be developed within one year of the issuance of the Record of Decision. The Strategy will elaborate on the components identified in Chapter 2 (avoidance, minimization, compensation, additionality, timeliness, and durability), and will be considered by the BLM/USFS for authorized land uses that may impact greater sage-grouse and its habitat. The implementation of a Regional Mitigation Strategy will benefit greater sage-grouse, the public, and land-users by providing a reduction in threats, increased public transparency and confidence, and a predictable permit process for land-use authorization applicants.

Appendix [X]

- Add this new Appendix.
- Ensure a degree of consistency between this nationally standardized language and that found in the rest of the EIS.
- Fine tune this language, if necessary, but maintain consistency with the other BLM/USFS plan amendments.

- Remove references to USFS for plans that do not address US Forest Service lands

Appendix (X) – Mitigation – [Proposed Plan/Proposed Plan Amendment]

General

The BLM/USFS will achieve no net unmitigated loss for authorized land uses within greater sage-grouse priority and general habitat. No net unmitigated loss means that impacts from authorized land uses will be fully offset to benefit the species. Mitigation will follow the regulations from the White House Council on Environmental Quality (CEQ) (40 CFR 1508.20; e.g. avoid, minimize, and compensate), hereafter referred to as the mitigation hierarchy. If impacts to greater sage-grouse or its habitat from authorized land uses remain after applying avoidance and minimization measures (i.e. residual impacts), then compensatory mitigation projects will be used to fully offset those residual impacts in order to achieve the no net unmitigated loss standard. Any compensatory mitigation will be durable, timely, and in addition to that which would have resulted without the compensatory mitigation (see glossary).

The BLM/USFS, via the WAFWA Management Zone Greater Sage-Grouse Conservation Team, will develop a WAFWA Management Zone Regional Mitigation Strategy that will inform the NEPA decision making process including the application of the mitigation hierarchy to address impacts within that Zone. A robust and transparent Regional Mitigation Strategy will contribute to greater sage-grouse habitat conservation by reducing, eliminating, or minimizing threats and compensating for residual impacts to greater sage-grouse and its habitat.

The BLM's Regional Mitigation Manual MS-1794 serves as a framework for developing and implementing a Regional Mitigation Strategy. The following sections provide additional guidance specific to the development and implementation of a WAFWA Management Zone Regional Mitigation Strategy.

Developing a WAFWA Management Zone Regional Mitigation Strategy

The BLM/USFS, via the WAFWA Management Zone Greater Sage-Grouse Conservation Team, will develop a WAFWA Management Zone Regional Mitigation Strategy to guide the application of the mitigation hierarchy to address impacts within that Zone. The Strategy should consider any State-level greater sage-grouse mitigation guidance that is consistent with the requirements identified in this Appendix. The Regional Mitigation Strategy should be developed in a transparent manner, based on the best science available and standardized metrics.

As described in Chapter 2, the BLM/USFS will establish a WAFWA Management Zone Greater Sage-Grouse Conservation Team (hereafter, Team) to help guide the conservation of greater sage-grouse, within 90 days of the issuance of the Record of Decision. The Strategy will be developed within one year of the issuance of the Record of Decision.

The Regional Mitigation Strategy should include mitigation guidance on avoidance, minimization, and compensation, as follows:

- Avoidance
 - Include avoidance areas (e.g. right-of-way avoidance/exclusion areas, no surface occupancy areas) already included in laws, regulations, policies, and/or land use plans (e.g. Resource Management Plans, Forest Plans, State Plans); and,
 - Include any potential, additional avoidance actions (e.g. additional avoidance best management practices) with regard to greater sage-grouse conservation.
- Minimization
 - Include minimization actions (e.g. required design features, best management practices) already included in laws, regulations, policies, land use plans, and/or land-use authorizations; and,
 - Include any potential, additional minimization actions (e.g. additional minimization best management practices) with regard to greater sage-grouse conservation.
- Compensation
 - Include discussion of impact/project valuation, compensatory mitigation options, siting, compensatory project types and costs, monitoring, reporting, and program administration. Each of these topics is discussed in more detail below.
 - Residual Impact and Compensatory Mitigation Project Valuation Guidance
 - A common standardized method should be identified for estimating the value of the residual impacts and value of the compensatory mitigation projects.
 - This method should consider the quality of habitat, scarcity of the habitat, and the size of the impact/project.
 - For compensatory mitigation projects, consideration of durability (see glossary), timeliness (see glossary), and the potential for failure may require an upward adjustment of the valuation.
 - The resultant compensatory mitigation project will, after application of the above guidance, result in proactive conservation measures for Greater Sage-grouse (consistent with BLM Manual 6840 – Special Status Species Management, section .02).
 - Compensatory Mitigation Options
 - Options for implementing compensatory mitigation should be identified, such as:
 - Utilizing certified mitigation/conservation bank or credit exchanges.
 - Contributing to an existing mitigation/conservation fund.
 - Authorized-user conducted mitigation projects.
 - For any compensatory mitigation project, the investment must be additional (i.e. additionality: the conservation benefits of compensatory mitigation are demonstrably new and would not have resulted without the compensatory mitigation project).
 - Compensatory Mitigation Siting
 - Sites should be in areas that have the potential to yield the greatest conservation benefit to the greater sage-grouse, regardless of land ownership.
 - Sites should be durable (see glossary).
 - Sites identified by existing plans and strategies (e.g. fire restoration plans, invasive species strategies, healthy land focal areas) should be

considered, if those sites have the potential to yield the greatest benefit to greater sage-grouse and are durable.

- Compensatory Mitigation Project Types and Costs
 - Project types should be identified that help reduce threats to greater sage-grouse (e.g. protection, conservation, and restoration projects).
 - Each project type should have a goal and measurable objectives.
 - Each project type should have associated monitoring and maintenance requirements, for the duration of the impact.
 - To inform contributions to a mitigation/conservation fund, expected costs for these project types (and their monitoring and maintenance), within the WAFWA Management Zone, should be identified.
- Compensatory Mitigation Compliance and Monitoring
 - Mitigation projects should be inspected to ensure they are implemented as designed, and if not, there should be methods to enforce compliance.
 - Mitigation projects should be monitored to ensure that the goals and objectives are met and that the benefits are effective for the duration of the impact.
- Compensatory Mitigation Reporting
 - Standardized, transparent, scalable, and scientifically-defensible reporting requirements should be identified for mitigation projects.
 - Reports should be compiled, summarized, and reviewed in the WAFWA Management Zone in order to determine if greater sage-grouse conservation has been achieved and/or to support adaptive management recommendations.
- Compensatory Mitigation Program Implementation Guidelines
 - Guidelines for implementing the State-level compensatory mitigation program should include holding and applying compensatory mitigation funds, operating a transparent and credible accounting system, certifying mitigation credits, and managing reporting requirements.

Incorporating the Regional Mitigation Strategy into Land Use Authorization Analyses

The BLM/USFS will include the avoidance, minimization, and compensatory recommendations from the Regional Mitigation Strategy in one or more of the NEPA analysis' alternatives for authorized land uses that may impact greater sage-grouse or its habitat.

Implementing a Compensatory Mitigation Program

The BLM/USFS need to ensure that compensatory mitigation is strategically implemented to achieve the greatest conservation benefit, as identified in the Regional Mitigation Strategy. In order to align with existing compensatory mitigation efforts, this compensatory mitigation program will be managed at a State-level (as opposed to a WAFWA Management Zone, a Field Office, or a Forest), in collaboration with our partners (e.g. Federal, Tribal, and State agencies).

To ensure transparent and effective management of the compensatory mitigation funds, the BLM/USFS will enter into a contract or agreement with a third-party to help manage the State-level compensatory mitigation funds, within one year of the issuance of the Record of Decision. The selection of the third-party compensatory mitigation administrator will conform to all relevant laws, regulations, and policies. The BLM/USFS will remain responsible for making decisions that affect Federal lands.

Glossary Terms

Additionality: The conservation benefits of compensatory mitigation are demonstrably new and would not have resulted without the compensatory mitigation project. (BLM Manual Section 1794).

Avoidance mitigation: Avoiding the impact altogether by not taking a certain action or parts of an action. (40 CFR 1508.20(a)) (e.g. may also include avoiding the impact by moving the proposed action to a different time or location.)

Compensatory mitigation: Compensating for the (residual) impact by replacing or providing substitute resources or environments. (40 CFR 1508.20)

Compensatory mitigation projects: Specific, on-the-ground actions to improve and/or protect habitats (e.g. chemical vegetation treatments, land acquisitions, conservation easements).

Compensatory mitigation sites: The durable areas where compensatory mitigation projects will occur.

Durability (protective and ecological): The administrative, legal, and financial assurances that secure and protect the conservation status of a compensatory mitigation site, and the ecological benefits of a compensatory mitigation project, for at least as long as the associated impacts persist. (BLM Manual Section 1794).

Minimization mitigation: Minimizing impacts by limiting the degree or magnitude of the action and its implementation. (40 CFR 1508.20 (b))

Residual impacts: Impacts from an authorized land use that remain after applying avoidance and minimization mitigation; also referred to as unavoidable impacts.

Timeliness: The conservation benefits from compensatory mitigation accruing as early as possible or before impacts have begun. (BLM Manual Section 1794).