

The BLM/USFS will ensure that activities or projects in sage-grouse habitats will not result in long-term degradation of Greater Sage-Grouse habitat or populations at the scale of this land use plan, and within greater sage-grouse population areas, State boundaries, and WAFWA Management Zones through the application of mitigation for implementation-level decisions. 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 **it is determined that** residual impacts to greater sage-grouse from implementation-level actions **would** remain after applying avoidance and minimization measures, then compensatory mitigation projects will be used to offset residual impacts in order to achieve the goals and objectives for priority and general habitat in the **[insert plan name]**.

Comment [JB1]: Important to be clear that you're not waiting for impacts to occur prior to application of measures.

Comment [JB2]: Statement here that where G&O cannot be met through application of sequencing, then projects would be denied?

To ensure that impacts from activities proposed in sage-grouse priority and general habitat are **appropriately** mitigated, the BLM will apply action appropriate mitigation measures and conservation actions and potentially modify the location, design, construction, and/or operation of proposed lands uses or activities as part of the statutory requirements for environmental protection. The mitigation measures and conservation actions [see Mitigation Measures and Conservation Actions Appendix] for proposed projects or activities will be identified as part of the National Environmental Policy Act (NEPA) process, through interdisciplinary analysis involving resource specialists, project proponents, government entities, landowners or other Surface Management Agencies. Those measures selected for implementation will be identified in the Record of Decision (ROD) or Decision Record (DR) for those authorizations and will inform a potential lessee, permittee, or operator of the requirements that must be met when using BLM-administered public lands and minerals to mitigate, per the mitigation sequence referenced above, impacts from the activity or project **such that sage-grouse goals and objectives are met**. Because these actions create a clear obligation for the BLM to ensure any proposed mitigation action adopted in the environmental review process is performed, there is assurance that mitigation will lead to a reduction of environmental impacts in the implementation stage and include binding mechanisms for enforcement (CEQ Memorandum for Heads of Federal Departments and Agencies 2011).

To achieve the goals and objectives for priority and general habitat in the **[insert plan name]**, the BLM will assess all proposed land uses or activities such as road, pipeline, or powerline construction, fluid and solid mineral development, range improvements, and recreational activities located in [priority and general] sage-grouse habitat in a step-wise manner. The following steps identify a screening process for review of proposed activities or projects. This process will provide a consistent approach regardless of the administrative location of the project and ensure that authorization of these projects will be consistent with the LUP goals and objectives for sage-grouse. The following steps provide for a sequential screening of proposals. However, Steps 2-6 can be done concurrently. **Steps 1-6 are related to project planning and the subsequent steps are related to project implementation.**

Comment [CJC3]: Make sure these example activities are allowed in General and Priority habitat in the LUP

Comment [JB4]: Not quite sure what this means – aren't there only 6 steps?

Comment [JB5]: Took a shot at some titles – stuff like this helps me get my head around what is attempting to get accomplished...

Step 1 – **Determine Proposal Adequacy**

This screening process is initiated upon formal submittal of a proposal for authorization for use of BLM lands. The actual documentation of the proposal would include at a minimum a description of the location, scale of the project and timing of the disturbance. The acceptance of the proposal(s) for review would be consistent with existing protocol and procedures for each type of use.

Step 2 – **Evaluate Proposal Consistency with LUP Prescriptions**

This initial review should evaluate whether the proposal would be allowed as prescribed in the Land Use Plan. For example, some activities are prohibited in sage-grouse habitat, such as wind developments in Priority Habitat. If the proposal is for an activity that is specific prohibited, the applicant should be informed that the application is being rejected since it would not be allowed, regardless of the design of the project.

¹Impacts to Greater Sage-Grouse could include loss or disturbance of nesting or wintering habitat as well as disruption of breeding activities at the lek site.

Step 3 – Determine Projected Sage-Grouse Population and Habitat Impacts

Determine if the project will have a direct or indirect impact on population or ~~direct impact to the~~ habitat (Priority or General Habitat). This will include ~~may be done by~~:

- Reviewing Greater Sage-Grouse Habitat delineation maps.
- Review current science.
- Reviewing the ‘Base Line Environment Report’ (USGS) which identifies the area of direct and indirect effect for various anthropogenic activities.
- Consultation with agency or State Wildlife Agency biologist.
- Evaluating consistency with (at a minimum) State sage-grouse regulations
- Or other methods needed to provide an accurate assessment of impacts.

If the proposal will not have a direct or indirect impact on either the habitat or population, document the findings in the NEPA and proceed with the appropriate process for review, decision and implementation of the project.

Step 4 – Determine Proposal Consistency with Disturbance Limitations

If the proposed activity could have a direct or indirect impact of sage-grouse habitat or population, evaluate whether the disturbance from the activity exceeds the limit on the amount of disturbance allowed within the activity or project area (DDCT process). If current disturbance within the activity area or the anticipated disturbance from the proposed activity exceeds this threshold, the project should be deferred until such time as the amount of disturbance within the area has been reduced below the threshold through restoration or management actions. If the project can be relocated so as to not have an impact on sage-grouse and still achieve objectives of the proposal, relocate ~~d~~ the proposed activity and proceed with the appropriate process for review, decision and implementation. This Step does not consider redesign of the project to reduce or eliminate direct and indirect impacts, but rather authorization of the project in a physical location that will not impact Greater Sage-grouse.

Step 5 – Determine Authority and Apply Avoidance and Minimization Measures to Comply with Sage-Grouse Goals and Objectives

If the preliminary review of the proposal concludes that there may be impacts to sage-grouse habitat and the project cannot be effectively relocated to avoid these impacts, evaluate whether the agency, within agency’s rules and/or regulations, has the authority to modify ~~ed~~ or deny the project. If the agency does not have the discretionary authority to modify or deny the proposal, proceed with the authorization process (NEPA) and include appropriate mitigation requirements that minimize impacts to sage-grouse habitat and populations and achieve compliance with sage-grouse objectives to the maximum extent possible under existing authority. Where the agency does have the discretionary authority to modify or deny the proposal, proceed with the authorization process (NEPA) and include appropriate mitigation requirements that minimize impacts to sage-grouse habitat and populations and achieve compliance with sage-grouse objectives. Mitigation measures could include buffers and timing of disturbance, noise restrictions, design modifications of the proposal, site disturbance restoration, ~~or~~ post project reclamation, etc.

Step 6 – Apply Compensatory Mitigation or Reject / Defer Proposal

If the agency has the discretionary authority to deny the project and after careful screening of the proposal (Steps 1-~~5~~4) has determined that direct and indirect impacts cannot be eliminated through avoidance or

Comment [JB6]: Makes consistent with subsequent references to direct/indirect impacts to populations or habitat

Comment [JB7]: Seemed like the minimization aspect, where the agency has authority, was missing...

minimization, evaluate the proposal to determine if ~~if~~ compensatory mitigation can be used to offset the remaining adverse impacts and achieve sage-grouse goals and objectives. If the impacts cannot be effectively mitigated, reject or defer the proposal. The criteria for determining this situation could include but are not limited to:

- The current trend within the BSA is down and additional impacts, whether mitigated or not, could lead to further decline of the species or habitat.
- The proposed mitigation is inadequate in scope or duration, has proven to be ineffective or is unproven in terms of science based approach.
- The project would impact habitat that has been determined to be a limiting factor for species sustainability.
- Other site specific information and analysis criteria that determined the project would lead to a downward change of the current species population or habitat and not comply with sage-grouse goals and objectives.

Comment [JB8]: ?

Comment [JB9]: "criteria" implies a specific process / rule set...

If the project can be mitigated to eliminate impacts to the species, proceed with the design of the mitigation plan, and NEPA for the project.

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 greater sage-grouse impacts within that Zone. The WAFWA Management Zone Regional Mitigation Strategy will be applicable to the States/Field Offices/Forests within the Zone's boundaries. Subsequently, the BLM [name of Field Office]/USFS [name of Forest]'s NEPA analyses for implementation-level decisions, which have the potential to impact greater sage-grouse, will include analysis of mitigation recommendations from the relevant WAFWA Management Zone Regional Mitigation Strategy(ies).

Implementation of the Regional Mitigation Strategy may involve managing compensatory mitigation funds, implementing compensatory mitigation projects, certifying mitigation/conservation banks, and reporting on the effectiveness of those projects. These types of mitigation implementation actions may be most effectively managed at the State-level, in collaboration with partners. BLM State Office/USFS Region may find it most effective to enter into an agreement with a State-level program administrator (e.g. a NGO, a State-level entity) to help manage these aspects of mitigation. The BLM/USFS will remain responsible for making decisions that affect Federal lands.

The BLM's Regional Mitigation Manual MS-1794 serves as a framework for developing and implementing a Regional Mitigation Strategy. The Appendix [X] provides additional guidance specific to the development and implementation of a WAFWA Management Zone Regional Mitigation Strategy.