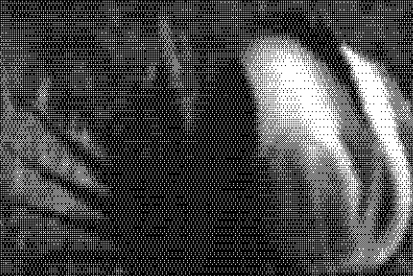


Some Musings on Mitigation

(and some might be applicable
to transmission lines)



Mitigation Musings

- FWS staff working energy project development are faced with an inordinately high opportunity to negotiate compensatory mitigation
- However, few of us have training in the complex and pressure-packed art of applying the FWS Mitigation Policy
- FWS therefore is accountable for leaving impacts unmitigated
- Other than avoidance of impacts, compensatory mitigation – if done right - has biggest conservation value to species and habitats

Mitigation Encompasses the Entire Planning and Permitting Process

- Mitigation done well is:
 - Strategically applied by FWS at all planning and permitting stages – staff and management efforts could take years
 - Staff intensive
 - Hard to negotiate
 - Complex
 - Hard to advocate
 - Potentially very expensive

Traditional Approach to Mitigation – the Expectation of Applicant and Permitting Entities

- Rapid settlement on impact calculations
- Rapid agreement on a mitigation plan at all levels in FWS (“oooooh 10,000 acres! Look at that shiny prize!”)
- Mitigation that fails to be:
 - Commensurate with impacts
 - Durable over life of project effects
 - Additional to ongoing conservation programs
 - Comparable between impact and mitigation sites
 - Timely
 - Targeted to highest conservation need
 - Meeting net benefit standard

Example of Traditional Mitigation

- 100 acres good quality habitat removed
- Mitigation ratio 2:1 proposed to achieve Net Benefit
- $100 \text{ ac} \times 2 = 200 \text{ ac}$ **debit** owed
- Mitigation proposal = 200 ac public land restoration
- On The Spot award for job well done!

Mitigation Done Right

- Follows FWS mitigation hierarchy
- Follows a Regional conservation plan
- Is offsite, aggregated at landscape scale, in priority conservation area
- Results in net benefit
- Contributes to conservation above already planned or required actions (Additionality)
- Proven effective
- Benefits accrue early
- Benefits are durable – over life of project effects
- Benefits not degraded by other ongoing or future actions
- Funding secured to maintain upgraded conditions

Challenges :

Public Land Mitigation

- Implementation assurances – legal, financial
- Long term maintenance and protection assurances
- Additionality: limited value above what would be attained anyway over life of project's effects
- Projects selected based on ease of implementation, already established and popular programs
- Small scale, near project site
- Minimal mitigation funds flow to private lands

Case Study:

Mitigation Done Right

- All direct and indirect effects quantified = 100 ac direct, 400 acres indirect (50% loss of services so 200 ac total) of good quality habitat
- Total effects = 300 acres impacted
- Use 2:1 ratio again = 600 ac debit owed

Juniper thinning project example: public lands

- Assurances not provided – No administrative actions, no long term funding, no guarantees that other ongoing or future actions will be adequately managed
- Juniper thinning is of limited value above what would be attained anyway – it's a popular and common program already required and proposed
- Small scale project hard to protect and manage
- Time lag to achieve similar ecological condition

New calculations – juniper example: mitigation done better

- Owe 600 ac
- Propose 600 ac juniper treatment
- 600 ac juniper to offset 600 ac debit is not equivalent or adequate due to:
 - No assurance of durability, time lag to maturity, limited additionality
 - Does not even meet “no net loss”
- Solutions:
 - increase acres owed
 - address all mitigation principles and standards
 - Implement BLM IM for Offsite Mitigation