



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
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Instruction Memorandum No. OR-2011-042
Expires: 9/30/2012

To: Deputy State Director, District Managers, Branch Chiefs, and Staff
From: State Director, Oregon/Washington
Subject: Formation of the Oregon BLM Renewable Energy Mitigation and Stipulations Interdisciplinary Team and Summary of Current Mitigation Policy

Program Area: Energy, Wildlife, Planning

Purpose: To establish an integrated team to develop and make available critical eastern Oregon mitigation and stipulations recommendations and information at an appropriate scale. These recommendations will be used in the development, public scoping, and National Environmental Policy Act (NEPA) planning and decision-making process concerning renewable energy development and conservation and protection of natural resource values on public lands. The updated Mitigation and Stipulations policy will help eastern Oregon Bureau of Land Management (BLM) district offices address a several-fold increase in the last five years in the number of applications for rights-of-way (ROW) for possible wind development and other forms of renewable energy.

Policy/Action: A team consisting of staff and managers from the eastern Oregon districts and state office will be established to develop a comprehensive mitigation and stipulations policy to protect resource values in conjunction with the development of renewable energy in eastern Oregon. This team will identify and capture Oregon-specific existing mitigation and stipulation information needs and develop a draft comprehensive stipulations and mitigation policy based on the most current information and science available.

Information may include, but is not limited to, existing regional and district Geographic Information System (GIS) data, Resource Management Plan decisions and allocations, the

Northern Great Basin Rapid Assessment, Oregon Department of Fish and Wildlife (ODFW) species habitat data, other Government and industry data on renewable energy potential, and other state and national policies and strategies.

The team will create a new draft Mitigation and Stipulations policy that is intended to do the following:

1. Adopt revised or new Washington Office guidance once issued.
2. Develop an Oregon BLM comprehensive mitigation policy and site-specific stipulations to address any proposed wind energy and geothermal development in these areas where appropriate. These may or may not depart from the ODFW or U.S. Fish and Wildlife Service (USFWS) recommendations.
3. Outline a more refined process for identifying and selecting mitigation that will be evaluated and administered on a project-level basis through the NEPA process.
4. Ensure BLM internal mitigation efforts are well coordinated and in synch with external mitigation efforts that include the Renewable Energy and Eastern Oregon Landscape Conservation Partnership (REECON) “Mitigation Technical Work Group” comprised of representatives from the ODFW, USFWS, Department of State Lands (DSL), and BLM.

The team is expected to contact district and state office staff and managers for information and support and will consist of the following individuals:

1. George Buckner - OR932 Wildlife Biologist (Lead)
2. Steve Robertson - Associate District Manager Prineville
3. Todd Forbes - Lakeview District Biologist
4. Tim Barnes - OR936 Energy Section Chief
5. Todd Thompson - OR932 Wildlife Biologist
6. Maggie Langlas - OR933 NEPA Specialist and liaison to external mitigation efforts
7. Mark Brown - OR933 Partnership Coordinator and liaison to external mitigation efforts
8. Duane Dippon - OR933 GIS Analyst

This team will constitute a technical team that will develop recommendations to be forwarded to management for a broader review by the Oregon BLM and Washington Office (WO). Oregon/Washington (OR/WA) BLM products will then be forwarded, when appropriate, to the Mitigation Technical Work Group of the REECON Partnership for its consideration. Products that result from this effort may also be appropriate for the Spokane District to consider or evaluate.

Timeframe: Effective upon receipt.

Budget Impact: None.

Background: An integrated team was established in 2009 (OR/WA BLM – Instruction Memorandum (IM) OR-2009-044) to develop and make available information to be used in the development, public planning, and decision-making process concerning renewable energy

development and conservation and protection of natural resource values on public lands. The team issued a report (*Oregon Bureau of Land Management Energy Resources Team Report and The Wind Energy Development Opportunities and Challenges Map*) that was transmitted via OR/WA BLM – Information Bulletin (IB) 2011-005.

Recommendations 3 and 4 of the Energy Resources Team Report were to:

- 3) Convene an interdisciplinary team from all resource groups that will develop and draft an interim policy for proposed activities that have the potential to cause the loss or fragmentation of sagebrush habitat in eastern Oregon. This interim policy will last until planning documents are revised.
- 4) This interdisciplinary team will refine the geospatial data used and provide maps with stipulations and buffer zones. The team should consider exclusion areas for the highest quality habitat where development would be prohibited and develop mitigation measures on a graduated scale for other high priority habitat.

Existing BLM Mitigation Policies and Guidelines:

The OR/WA BLM mitigation policy for energy development projects in sagebrush habitat does not exist in one document, but rather it is based upon an amalgamation of national-and state-level guidance issued by the WO and OR/WA BLM State Office. The current policy (1) identifies general and specific parameters that, as appropriate, would inform the development of project-level stipulations and other mitigation measures for energy development projects in sage brush habitat and (2) emphasizes the coordination with both the ODFW and USFWS in the identification of site-specific stipulations and other mitigation for energy projects proposed on BLM lands.

Key aspects of the current policy are summarized below:

- **Off-site mitigation:** Off-site mitigation is defined as compensation for resource impacts by replacing or providing substitute resources or habitat at a location other than the project area. Off-site mitigation may include in-kind, out-of-kind, and in-lieu-fee. It may be appropriate for large development projects or closely associated smaller projects that could have undesirable cumulative effects. (BLM WO IM-2008-204)

- **Sage grouse, interface with the State of Oregon’s Sage Grouse Strategy:** The BLM adopted and agreed to implement, where possible, the recommendations within the Oregon State Strategy which include the following: (1) do not construct wind energy grids within a 3-mile radius of sage grouse lek sites, (2) apply a “no net loss with net benefit” mitigation standard for critical winter and brood rearing habitat outside of the 3-mile lek radius in areas affected by habitat removal or sagebrush vegetation disturbances OR IM-2009-038, and (3) additional recommendations related to roads, transmission lines, and other site-specific anthropogenic disturbances.

- Sage grouse, working with partners: BLM state offices will continue to work with their respective state fish and wildlife agency counterparts to delineate and map areas of priority habitat and identify state-specific management actions. (BLM WO IM-2010-71)

- Rights-of-Way (ROWs), wind energy projects: Mitigation measures are required to be incorporated into the wind energy project Plan of Development and ROW authorization stipulations. Mitigation measures protecting the identified resources will be included in the specific Best Management Practices established in the BLM's Wind Energy Programmatic Environmental Impact Statement, as well as additional mitigation measures contained in other existing and relevant BLM guidance or stipulations developed to address site-specific or species-specific concerns through project-level analysis. (BLM WO IM-2009-043)

The OR/WA BLM is in the process of developing more comprehensive guidance with respect to ROWs for wind energy development and sage grouse conservation. Formation of the OR/WA BLM Renewable Energy Mitigation and Stipulations Team will provide the technical background for an updated BLM mitigation policy

Manual/Handbook Sections Affected: N/A

Coordination: This action has been coordinated internally with OR931, OR932, and OR933 and is consistent with external mitigation efforts.

Contact: Mark Brown, (503) 808-6233; Maggie Langlas, (503) 808- 6305; or George Buckner, (503) 808-6382 and (503) 375-5716.

Districts with Unions are reminded to notify their unions of this IM and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you with assistance in this matter.

Signed by
Michael S. Mottice
Associate State Director

Authenticated by:
Paj Shua Cha
Records Section

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