

BLM's Mitigation Policy

NPR-A Mitigation Strategy

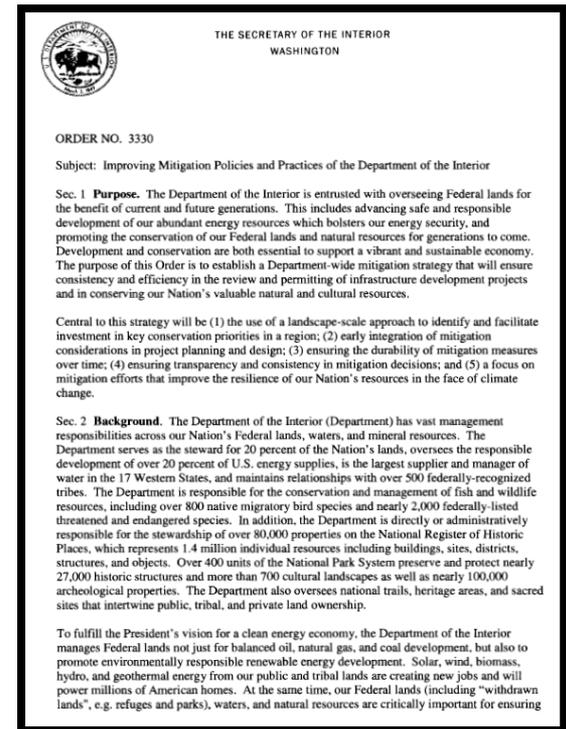
Dr. Matt Preston
Chair, BLM's Mitigation Team
March 2015

A policy primer

- We are on the mitigation frontier.
 - More strategic.
 - More effective.
 - More consistent.
- The NPR-A, and beyond.

BLM Policy Status

- 2008: BLM Offsite Mitigation Policy
- 2011: CEQ Mitigation Guidance
- **2013: BLM Interim Mitigation Policy**
- **2013: DOI Secretarial Order 3330**
- **2015: BLM Final Mitigation Policy**
 - *Speaking from this policy.*
 - *Though, its draft, and may change.*



BLM's Policy's Purpose

- Consistent Mitigation Principles
- Pre-Planning Mitigation
 - Such as **Mitigation Strategies**
- Mitigation for land use activities (NEPA)
 - *Not Discussing Today*

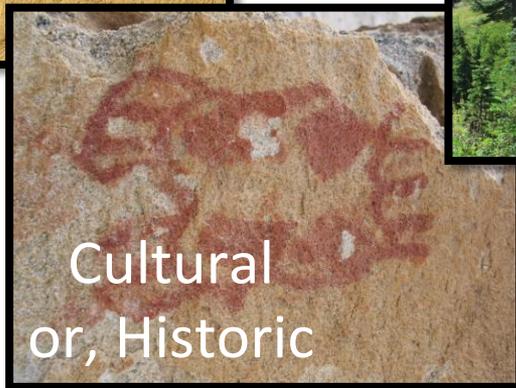
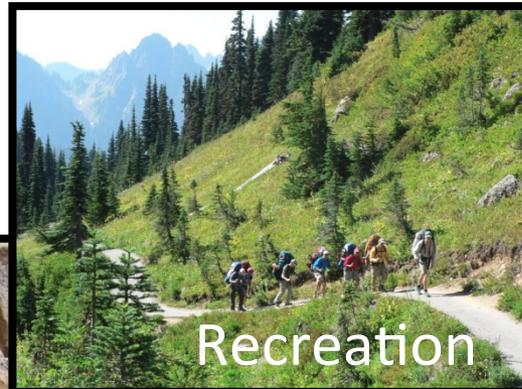
Principles: Mitigation Hierarchy

- Avoid
- Minimize
- Rectify
- Reduce or eliminate over time
- Compensate

- Almost always in in this order.

Principles: Full Spectrum

- Direct, Indirect, and Cumulative Impacts
- Resources, Values, and Functions.



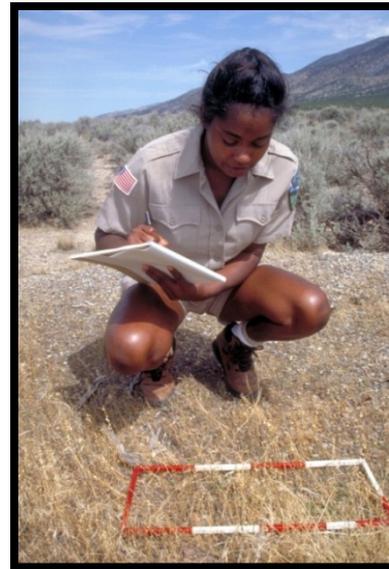
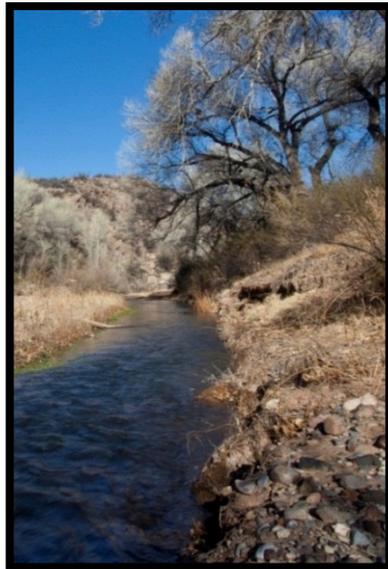
Principles: Landscape-Scale

- Consider mitigation in the context of the conditions and trends in the landscape
- Consistency across landscape



Principles: All Mitigation Measures

- **Durable** for the duration of the impact
- **Clearly Defined Outcomes**
 - (Apply seed vs. restore habitat)
- **Compliance and Effectiveness Monitoring**



Principles: **Compensatory** Mitigation

- Looking for the maximum benefit, regardless of location
- Must have an essential nexus and be roughly proportional
- Must be timely and additional



Principles: When to Compensate

- The need and degree should be based on:
 - What is **Necessary** and **Effective**
 - Potential for the ***Residual Effects*** (after Avoidance and Minimization) to:
 - Impact legally protected resources, values, and functions
 - Inhibit the achievement of the land use plan's objectives
 - Inhibit sustained yield of **important**, **scarce**, or **fragile** resources, values, and functions

Pre-planning Mitigation

- Shifting away from identifying mitigation permit-by-permit, in isolation.
- **Mitigation Strategies**
- Mitigation in Land Use Plans

Mitigation Strategies

- Pre-identify mitigation opportunities in advance of land use activities
- Benefits
- Scope
- Geographic Area
- Components
- Recommendations and Decisions

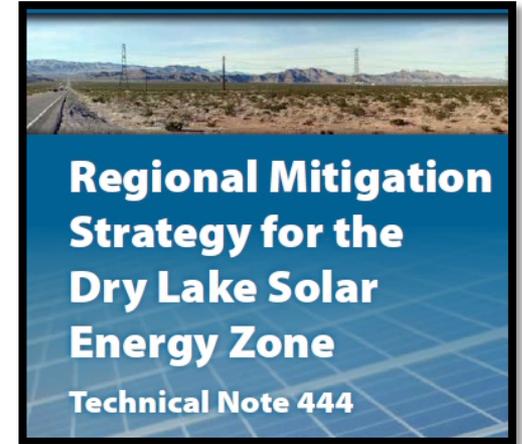


Mitigation Strategies: **Benefits**

- Engage all interested stakeholders
- Think across administrative boundaries
- Increase permitting efficiency and certainty
- Identify strategic mitigation measures and compensatory mitigation sites
- Invest in more effective and larger-scale mitigation efforts

Mitigation Strategies: **Scope**

- All Resources and Uses.
 - *E.g. all resources, all impacts.*
- Land Use Focused.
 - *E.g. solar energy zone*
- Resource Focused.
 - *E.g. sage-grouse*



Mitigation Strategies: Geography

- Relevant landscape necessary to sustain the focal resources, values, and functions.
- Considering:
 - Distribution of the resources, values, and functions that will be foreseeably impacted
 - Geographic extent of land use activities
 - Previously defined geographic areas
 - Existing geo-socio-political geographic areas
 - Existing mitigation programs

Mitigation Strategies: Components

- Baseline conditions and trends
- Reasonably foreseeable impacts (direct, indirect, and cumulative impacts)
- Avoidance and minimization measures
- Reasonably foreseeable residual effects
- Residual effects that may warrant compensatory mitigation
- Compensatory mitigation measures
- Prioritization of compensatory mitigation sites
- Compensatory mitigation investment options in the geographic area (e.g. banks and funds)
- Durability, monitoring, and reporting

Mitigation Strategies:

Recommendations and Decisions

- Strategies through the NEPA process
 - Mitigation obligations in decision document.
- Strategies outside the NEPA process
 - Does not inform any immediate BLM decision
 - Results in mitigation recommendations
 - Analyze in at least one alternative of NEPA analyses for applicable and future land use activities.

Summary

- BLM Policy
- Principles
- Pre-Planning
- Mitigation Strategies

Thank you.

MATT PRESTON

Chair, BLM's Mitigation Team

Science Advisor, BLM's National Conservation Lands

202-912-7175; mpreston@blm.gov