Appendix D

Mitigation Strategy:
Utah Greater Sage-Grouse LUPA

APPENDIX D
MITIGATION STRATEGY: UTAH GREATER SAGE-GROUSE LUPA

INTRODUCTION

In undertaking US Department of the Interior, Bureau of Land Management (BLM) and US Department of Agriculture, Forest Service (Forest Service) management actions, and, consistent with valid existing rights and applicable law, in authorizing third party actions that result in habitat loss and degradation, the BLM and Forest Service will require and ensure mitigation that provides a net conservation gain to the species including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions. Actions which result in habitat loss and degradation include those identified as threats which contribute to GRSG disturbance as identified by the USFWS in its 2010 listing decision (75 *Federal Register* 13910) and shown in Table C.2 in the Greater Sage-Grouse Monitoring Framework (Appendix C of the Utah Greater Sage-Grouse Proposed LUPA/Final EIS). Exceptions to net conservation gain for GRSG may be made for vegetation treatments to benefit Utah prairie dog.

Mitigation will follow the regulations from the White House Council on Environmental Quality (40 CFR 1508.20; e.g. avoid, minimize, and compensate), hereafter referred to as the mitigation hierarchy. If impacts from BLM and Forest Service management actions and authorized third party actions that result in habitat loss and degradation remain after applying avoidance and minimization measures (i.e. residual impacts), then compensatory mitigation projects will be used to provide a net conservation gain to the species. Any compensatory mitigation will be durable, timely, and in addition to that which would have resulted without the compensatory mitigation (see Glossary Terms).

The BLM and Forest Service, via the Western Association of Fish and Wildlife Agencies (WAFWA) Management Zone Greater Sage-Grouse Conservation Team, will develop a WAFWA Management Zone Regional Mitigation Strategy that will inform the National Environmental Policy Act (NEPA) decision making process including the application of the mitigation hierarchy for BLM and Forest Service management actions and third party actions that result in habitat loss and degradation. A robust and transparent Regional Mitigation Strategy

will contribute to Greater Sage-Grouse (GRSG) habitat conservation by reducing, eliminating, or minimizing threats and compensating for residual impacts to GRSG 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 REGIONAL MITIGATION STRATEGY

The BLM and Forest Service, 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 for BLM and Forest Service management actions and third party actions that result in habitat loss and degradation. The Strategy should consider any State-level GRSG 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 of the Utah Greater Sage-Grouse Proposed LUPA/Final EIS, the BLM and Forest Service will establish a WAFWA Management Zone Greater Sage-Grouse Conservation Team to help guide the conservation of GRSG, within 90 days of the issuance of the record of decision (ROD). The Strategy will be developed within one year of the issuance of the ROD.

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. BLM resource management plans, forest plans, and state plans); and
- Include any potential, additional avoidance actions (e.g. additional avoidance best management practices) with regard to GRSG conservation.

Minimization

- Include minimization actions (e.g. required design features and 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 GRSG 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, including accounting for any uncertainty associated with the effectiveness of the 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 Terms), timeliness (see Glossary Terms), and the potential for failure (e.g. uncertainty associated with effectiveness) 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 GRSG (consistent with BLM Manual 6840 – Special Status Species Management, section .02).

– Compensatory Mitigation Options

- Options for implementing compensatory mitigation should be identified, such as:
  - o Utilizing certified mitigation/conservation bank or credit exchanges.
  - o Contributing to an existing mitigation/conservation fund.
  - o 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 a net conservation gain to the GRSG, regardless of land ownership.
- Sites should be durable (see Glossary Terms).
- 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 a net conservation gain to GRSG and are durable.

– Compensatory Mitigation Project Types and Costs

- Project types should be identified that help reduce threats to GRSG (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 GRSG 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 SUBSEQUENT ANALYSES

The BLM and Forest Service will include the avoidance, minimization, and compensatory recommendations from the Regional Mitigation Strategy in one or more of the NEPA analysis alternatives for BLM and Forest Service management actions and third party actions that result in habitat loss and degradation and the appropriate mitigation actions will be carried forward into the decision.

IMPLEMENTING A COMPENSATORY MITIGATION PROGRAM

The BLM and Forest Service need to ensure that compensatory mitigation is strategically implemented to provide a net conservation gain to the species, 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 and Forest Service 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 ROD. The selection of the third-party compensatory mitigation administrator will conform to all relevant laws, regulations, and policies. The BLM and Forest Service 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. (adopted and modified from 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. The restoration, creation, enhancement, and/or preservation of impacted resources (adopted and modified from 33 CFR 332), such as on-the-ground actions to improve and/or protect habitats (e.g. chemical vegetation treatments, land acquisitions, conservation easements). (adopted and modified from BLM Manual Section 1794).

Compensatory mitigation sites. The durable areas where compensatory mitigation projects will occur. (adopted and modified from BLM Manual Section 1794).

Durability (protective and ecological). The maintenance of the effectiveness of a mitigation site and project for the duration of the associated impacts, which includes resource, administrative/legal, and financial considerations. (adopted and modified from 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))

Net conservation gain. The actual benefit or gain above baseline conditions.

Residual impacts. Impacts that remain after applying avoidance and minimization mitigation; also referred to as unavoidable impacts.

Timeliness. The lack of a time lag between impacts and the achievement of compensatory mitigation goals and objectives (BLM Manual Section 1794).

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