

APPENDIX B – MITIGATION STRATEGY

General

The Forest Service will require mitigation that provides a net conservation gain to the greater sage-grouse (GRSG) when undertaking Forest Service management actions, and consistent with valid existing rights and applicable law, in authorizing third party actions that result in GRSG habitat loss and degradation. This will be achieved by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions. Mitigation will follow the regulations from the White House Council on Environmental Quality (CEQ) (40 CFR 1508.20) and the steps of avoid, minimize, and compensate, hereafter referred to as the mitigation hierarchy. If impacts from Forest Service management actions and authorized third party actions, which result in habitat loss and degradation, remain after applying avoidance and minimization measures (i.e., residual impacts), then compensatory mitigation will be used to provide a net conservation gain to the GRSG. Mitigation should account for any uncertainty associated with the effectiveness of such mitigation. Any compensatory mitigation will be durable, timely, and in addition to that which would have resulted without the compensatory mitigation

The Forest Service will participate with the BLM to establish a Western Association of Fish and Wildlife Agencies (WAFWA) Management Zone Greater Sage-Grouse Conservation Team (Team) to develop a WAFWA Management Zone Regional Mitigation Strategy (Strategy). The Strategy will inform the National Environmental Policy Act (NEPA) decision making process, including application of the mitigation hierarchy for Forest Service management actions and third party actions that result in habitat loss and degradation. The application of a robust and transparent Strategy will contribute to GRSG habitat conservation by reducing, eliminating, or minimizing threats and compensating for residual impacts to the GRSG and its habitat.

The BLM Regional Mitigation Manual MS-1794 as well as the Forest Service mitigation policy and CEQ regulations will serve as a framework for developing and implementing the Strategy. In developing the Strategy, the Team should consider any state-level GRSG mitigation guidance that is consistent with the following framework. The Strategy should be developed in a transparent manner and must be based on the best science available and standardized metrics. The Strategy should be developed within 1 year of the issuance of the ROD.

Developing a WAFWA Management Zone Regional Mitigation Strategy

The following sections provide additional guidance specific to the development and implementation of the Strategy.

- **Avoidance includes the following:**

- Avoidance areas (e.g., no surface occupancy areas) already included in right-of-way avoidance/exclusion areas, laws, regulations, policies, and/or land use plans (e.g., LMPs, state plans).
- Any potential additional avoidance actions (e.g., additional avoidance best management practices) related to GRSG conservation.

- **Minimization includes the following:**

- Minimization actions (e.g., required design features, best management practices) already included in laws, regulations, policies, LMPs, and special use authorizations.
- Any potential additional minimization actions (e.g., additional minimization best management practices) related to GRSG conservation.

- **Compensation includes the following:**

- Discussion of impact/project valuation, compensatory mitigation options, siting, compensatory project types and costs, monitoring, reporting, and administration. Each of these topics is discussed in 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, timeliness, 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

- ***Compensatory Mitigation Options***

- Options for implementing compensatory mitigation should be identified, such as:
 - Utilizing certified mitigation/conservation bank or credit exchanges.
 - Contributing to an existing mitigation/conservation fund.
 - Authorized-user conducted mitigation projects.

- For any compensatory mitigation project, the investment must be additional (i.e.
- ***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.
 - 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 that 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 to determine if GRSG conservation has been achieved and/or to support adaptive management recommendations.
- ***Compensatory Mitigation Program Implementation Guidelines***
 - Guidelines for implementing a 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 NEPA Analyses

The Forest Service will include the avoidance, minimization, and compensatory recommendations from the Strategy in one or more of the NEPA analysis' alternatives for Forest Service and BLM proposed 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 Forest Service must ensure that compensatory mitigation is strategically implemented to provide a net conservation gain to the GRSG, as identified in the Strategy. To align with any existing compensatory mitigation efforts, compensatory mitigation will be managed at a state-level (as opposed to a WAFWA Management Zone, a field office, or a forest), in collaboration with Forest Service partners (e.g., federal, Tribal, and state agencies).

To ensure transparent and effective management of the compensatory mitigation funds, the Forest Service will work with the BLM to determine the best process (e.g., enter into a contract or agreement with a third-party) to help manage the state-level compensatory mitigation funds within 1 year of the issuance of the ROD. The Forest Service will be responsible for making decisions that affect National Forest System lands.

Glossary Terms

Additionality - The conservation benefits of compensatory mitigation are demonstrably new and would not have resulted without the compensatory mitigation project.

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 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, and conservation easements).

Compensatory mitigation sites - The durable areas where compensatory mitigation projects will occur. Durability (protective and ecological): the maintenance of the effectiveness of a mitigation site and project for the duration of the associated impacts, which include resource, administrative/legal, and financial considerations.

Durable (protective and ecological) - The administrative, legal, and financial assurances that secure and protect the conservation status of a compensatory mitigation site and the ecological benefits of a compensatory mitigation project for at least as long as the associated impacts persist.

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 adverse impacts.

Timeliness - The lack of a time lag between impacts and the achievement of compensatory mitigation goals and objectives.