

Comments For the Nevada and Northeastern
California Greater Sage-Grouse Draft Resource
Management Plan Amendment and
Environmental Impact Statement

Sagebrush Ecosystem Council Meeting

May 18th, 2018



Background

- BLM released the draft Resource Management Plan Amendment and draft Environmental Impact Statement on May 4, 2018.
- The EIS presents two alternatives for managing Greater Sage-Grouse habitat on BLM-managed land in Nevada.
 - The No-Action Alternative is a continuation of current management from the 2015 Resource Plan Amendment.
 - The Management Alignment Alternative was created through coordination with the State of Nevada and other cooperating agencies, and strives to align with the State Conservation Plan and to support conservation outcomes for Greater Sage-Grouse.
- Comments are due August 2, 2018.



SETT Comments

Chapter	Page	Section and Sentence	Comment
ES 2	ES-8 2-3 2-17	ES.4 Bottom of Second to Last Paragraph in the Section 2.3.2 2.6	<p>“<u>In addition, DOI and the BLM are evaluating whether the implementation of a compensatory mitigation standard on public lands is appropriate and consistent with applicable legal authorities.</u> We request public comment about how the BLM should consider and implement mitigation with respect to the Greater Sage-Grouse, including alternative approaches to requiring compensatory mitigation in BLM land use plans.”</p> <p><u>This is an important request for public comment. The SEP should provide a unified response.</u> The State Plan uses the net conservation gain standard. It implies compensatory mitigation at this standard should be required for anthropogenic disturbances wherever and whenever possible. Moving in another direction at this point would be in direct opposition to what the State of Nevada has adopted as a means to properly offset disturbances, minimize their impacts, and reasonably protect the sagebrush ecosystem while continuing to allow for the responsible multiple uses of the natural resources.</p>



SETT Comments

Chapter	Page	Section and Sentence	Comment
2	2-10	Table 2-2 First Paragraph under Management Alignment Alternative	<p>3.1.2 of State Plan is 'Avoid, Minimize, Mitigate' (See "Avoid, Minimize, and Compensate," in Management Alignment Alternative). "Avoid, Minimize, and Compensate" is the BLM policy, as also outlined in Appendix F, page F-1, third and last paragraph.</p> <p>The SETT has yet to be consulted regarding avoidance and minimization. The Avoid, Minimize, Mitigate" policy in the State Plan sets a high bar for unavoidable disturbances and an "exemption" process to move forward. (Section 3.0, Table 3-1)</p>



SETT Comments

Table 3-1. The Avoid Process for Proposed Anthropogenic Disturbances within the Service Area

Anthropogenic disturbances should be avoided in habitats within the Service Area. If project proponents wish to demonstrate that a disturbance cannot be avoided, exemptions will be granted if the criteria listed in the table can be met for the applicable management category.

Priority Habitat Management Areas (PHMA, “best of the best”)	General Habitat Management Areas (GHMA)	Other Habitat Management Areas (OHMA)	Non-Habitat Areas
<ul style="list-style-type: none"> • Demonstrate that the project cannot be reasonably accomplished elsewhere – the purpose and need of the project could not be accomplished in an alternative location, or that locating the project elsewhere is not technically or economically feasible; and • Demonstrate that the individual and cumulative impacts of the project would not result in habitat fragmentation or other impacts that would cause sage-grouse populations to decline through consultation with the SETT; and • Demonstrate that sage-grouse population trends within the PMU are stable or increasing over a ten-year rolling average; and • Demonstrate that project infrastructure will be co-located with existing disturbances to the greatest extent possible; and • Develop Site Specific Consultation Based Design Features to minimize impacts through consultation with the SETT; and • Mitigate unavoidable impacts through compensatory mitigation via the Conservation Credit System. Mitigation rates will be higher for disturbances within this category. 	<ul style="list-style-type: none"> • Demonstrate that the project cannot be reasonably accomplished elsewhere – the purpose and need of the project could not be accomplished in an alternative location, or that locating the project elsewhere is not technically or economically feasible; and • Demonstrate that project infrastructure will be co-located with existing disturbances to the greatest extent possible. If co-location is not possible, siting should reduce individual and cumulative impact to sage-grouse and their habitat; and • Demonstrate that the project should not result in unnecessary and undue habitat fragmentation that may cause decline in sage-grouse populations within the PMU through consultation with the SETT; and • Develop Site Specific Consultation Based Design Features to minimize impacts through consultation with the SETT; and • Mitigate unavoidable impacts through compensatory mitigation via the Conservation Credit System. 	<ul style="list-style-type: none"> • Demonstrate that the project cannot be reasonably accomplished elsewhere – the purpose and need of the project could not be accomplished in an alternative location, or that locating the project elsewhere is not technically or economically feasible; and • Demonstrate that project infrastructure will be co-located with existing disturbances to the greatest extent possible; and • Develop Site Specific Consultation Based Design Features to minimize impacts through consultation with the SETT; and • Mitigate unavoidable impacts through compensatory mitigation via the Conservation Credit System. 	<ul style="list-style-type: none"> • Demonstrate that the project will not have indirect impacts to sage-grouse and their habitats. If it cannot be demonstrated, the project proponent will be required to develop Site Specific Consultation Based Design Features to minimize impacts and compensatory mitigation will be required. <p style="text-align: right;"><i>NV State Plan</i></p>



SETT Comments

Chapter	Page	Section and Sentence	Comment
2	2-10	Mitigation Second Paragraph	The current HQT version should be adopted by the BLM as the quantification tool. (Could this be included with the plan maintenance section, along with updating maps and science?)



SETT Comments

Chapter	Page	Section and Sentence	Comment
2	2-11	Mitigation	Will proponent driven mitigation set a lower bar than mitigation within the CCS by eliminating gain brought by application of proximity ratio, reserve account contribution, etc.? These are some factors that build net gain. We could consider adjusting the calculator to achieve similar conservation regardless of CCS participation. Fewer credits if no reserve contribution, no financial assurances, etc. Durability of credits over the term of disturbance is a significant component of the CCS. If these important concepts are not adopted, the result will at best be a “no net loss” outcome.

CCS Net Conservation and Durability Factors

- Management Category Importance Factor
- Proximity Factor
- Credit Baseline
- Accounting for Debit Indirect Disturbance
- Durability Provisions
 - Reserve Account (5-14% contribution)
 - Financial Assurances



SETT Comments

Chapter	Page	Section and Sentence	Comment
2	2-12	Allocation Exception Process	<p>Proponents planning mitigation, resulting in a net conservation gain, may receive an exception. For land uses in which mitigation is to achieve a net conservation gain is already required or anticipated, this exceptions process seems like an authorization to develop with no additional obstructions to develop than what may already be intended.</p> <p>The SETT recommends more specifics and definitions pertaining to the exceptions criteria. For example, “location of the proposed authorization” does this include the project footprint or the analysis area as well? What is meant by “adverse impacts”? What are the criteria for “lacks ecological potential to become suitable habitat”? Is the HQT to be used to determine direct, indirect, and cumulative impacts? What is the definition of “habitat fragmentation”? How would de minimis impacts be determined? Further clarification, potentially in an appendix, may be necessary.</p>



SETT Comments

Chapter	Page	Section and Sentence	Comment
D	D-05	D.6 Step 2	The individual lek scale identified by USGS hierarchical population modeling is not included within the causal factor analysis area, only the lek cluster and BSU are included.

“Step 2-Determine the Causal Factor: Within 4 weeks (or sooner if possible) after Step 1 is completed and a finding has been made that a soft or hard trigger (signal) has been reached, the BLM will organize a group of federal, state, and local partners (including local area conservation groups) to conduct the causal factor analysis that will identify why a soft and/or hard trigger (signal) was reached at the lek cluster and/or BSU scale. The casual factor analysis area at each scale is as follows:

- a. Lek cluster: Greater Sage-Grouse seasonal habitats associated with the lek cluster
- b. BSU: Greater Sage-Grouse seasonal habitats associated with the BSU”

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SETT Comments

Chapter	Page	Section and Sentence	Comment
D	D-07	D.7	The SETT recommends defining a minimum time period in which a trigger response can be removed. The SETT recommends this should be equivalent to the length of time it took to result in a slow or hard trigger at the identified scale (e.g. slow trigger of two years of slow warnings must demonstrate two years of the population above the slow destabilizing and decoupling threshold).

“D.7 LONGEVITY OF TRIGGER (SIGNAL) RESPONSES (REMOVING THE TRIGGER RESPONSE)

D.7.1 Population Trigger (Signal)

All trigger (signal) responses will remain in place until the following conditions are met:

Reversing the population trigger (signal) will be based on thresholds and upward trends for those Greater Sage-Grouse populations that have crossed a threshold at the lek cluster or BSU scale. The process to determine thresholds and upward trends will be developed by USGS in coordination with the BLM, Forest Service, NDOW, CDFW, and USFWS, which will incorporate and be compatible with “The Hierarchical Population Monitoring of Greater Sage-Grouse (*Centrocercus urophasianus*) in Nevada and California—Identifying Populations for Management at the Appropriate Spatial Scale (Coates et al. 2017).

Removal of the hard trigger (signal) responses for populations returns management direction in the affected lek cluster and/or BSU to the management directions that were in force within those lek clusters and/or BSUs prior to reaching a hard or soft trigger (signal).”



SETT Comments

Chapter	Page	Section and Sentence	Comment
F	F-01	F.1 Last Paragraph	<p>“...or cannot be rectified through reclamation (i.e. residual impacts)...”</p> <p>Why is reclamation mentioned in this section since it is likely to occur at time of closure? Is the intent here to distinguish term debits from permanent debits? Or is the intent to suggest that unsuccessful reclamation efforts will also require mitigation in addition to term/temporary impacts? It could also be interpreted to suggest that anthropogenic disturbances that require reclamation may not have to mitigate during the term of disturbance.</p> <p>‘Residual impacts’ as defined in this document refer to the remaining impacts (both temporary and permanent) after ‘avoid and minimize’ have been evaluated. What cannot be rectified through reclamation would represent a permanent disturbance within the State’s Conservation Credit System. Increased clarification is needed.</p> <p>This statement needs to offer more clarity.</p>

“If direct, indirect, or cumulative impacts from an authorized activity remain after applying avoidance and minimization measures, or cannot be rectified through reclamation (i.e., residual impacts), then compensatory mitigation would be used to provide a net conservation gain to the species. Any compensatory mitigation would be durable, timely, and in addition to that which would have resulted without the compensatory mitigation (see glossary).”

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SETT Comments

Chapter	Page	Section and Sentence	Comment
F	F-01 F-03	F.1 Last Paragraph F.2 Compensatory Mitigation Siting (Second Dash)	How will reinforcement of timely, durable, and additional mitigation be upheld; particularly the durability component on proponent driven mitigation on public lands? The SETT recommends further development of the concept. Durability of habitat over the term of disturbance is a significant component of the CCS. Clarification on this concept will need to be developed when addressing proponent driven mitigation.



SETT Comments

Chapter	Page	Section and Sentence	Comment
F	F-02	F.2 Compensatory Mitigation Options	Use of the HQT to quantify outcomes should be incorporated on all compensatory mitigation projects to enable a comparative analysis of net conservation gain Does such a mitigation/conservation fund exist and who would hold/distribute and calculate the necessary funds to meet the obligation in comparison to using the CCS? (Second bullet, bottom of page)

“Compensatory Mitigation Options

- Options for implementing compensatory mitigation include:
 - Utilizing the State of Nevada Conservation Credit System (CCS) or an established mitigation/conservation bank (e.g., Barrick).
 - Contributing to an established mitigation/conservation fund that can demonstrate how funds would be used to achieve net conservation gain.
 - Authorized user- (proponent-) conducted mitigation projects that demonstrate net conservation gain.
- For any compensatory mitigation project, the investment must be additional (i.e., additionality means the conservation benefits of compensatory mitigation are demonstrably new and would not have resulted without the compensatory mitigation project).”