



# GRSG Mitigation in Other Western States

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A landscape photograph showing a river flowing through a valley. The river is surrounded by lush green grass. In the background, there are steep, rocky hills covered in dense green vegetation. The sky is blue with scattered white clouds.



# California

- No GRSG plan, mitigation program, or regulations.
- Though not relevant to mitigation, Buffalo-Skedaddle sage-grouse working group has conservation plan for its PMU and works with federal and state agencies and private landowners to conserve and improve GRSG habitats.



# Colorado

- Colorado Department of Natural Resources directed to require mitigation for adverse impacts to wildlife resources including GRSG.
- Plan in place to steward state-owned PHMA and GHMA to generate trust revenue and incorporate avoidance and minimization measures (e.g., lek buffer distances for NSO, disturbance caps), adaptive management triggers, and mitigation hierarchy (avoid, minimize, compensate for residual impacts) for several disturbances. On state trust lands, restoration and enhancement are encouraged to achieve net gain.
- Regulations (2021) by Colorado Oil and Gas Conservation Commission require new oil and gas operations to develop wildlife protection or mitigation plan, depending on habitats present and imposes NSO one-mile around leks.
- Oil and gas operators must mitigate for direct and any unavoidable adverse indirect impacts. Direct impacts measured in acres, while HQT assesses functional acres indirectly lost with standard of no net habitat loss.
- Requirements met by paying in-lieu fee to state, implementing permittee responsible actions, or working with Colorado Habitat Exchange (CHE) or other banking program. Mitigation funds paid to state are leveraged to restore, enhance, and protect GRSG habitat. Colorado Parks and Wildlife and CDNR implement wildlife protection and mitigation plans.



# Idaho

- Mitigation principles defined for GRSG impacts, and HQT developed.
- State works with project proponents on public lands to quantify impacts and recommend mitigation. Enforcement depends on if authorizing land management agency (i.e., BLM, USFS, or State agency) requires mitigation. On private, proponents work with counties to avoid, minimize, mitigate, if needed.
- Program focus is Permittee Responsible Mitigation where credits can be developed on private or public lands, or purchased from other parties. Habitat exchange or credit banking also allowed.
- Credits and debits offset at 1:1 with matching terms and based on functional acres determined through GIS and field work. Debit projects (minimum 20 years) must incorporate at least 75% restoration or enhancement credits into offsets.
- Program to date has reportedly seen little to no participation.



# Montana

- Montana’s conservation strategy includes regulatory mitigation guided by the Greater Sage-Grouse Stewardship Act with goal of “no net loss of habitat and a net gain preferred” and an “all hands, all lands” approach.
- The Sage Grouse Habitat Program (Program) implements the mitigation system while reviewing newly-proposed anthropogenic development in designated habitats. The Program assists state permitting agencies and BLM to secure mitigation for impacts to habitat from development actions in need of state permits or federal authorization.
- The full mitigation hierarchy is implemented.
- A Habitat Quantification Tool (HQT) uses GIS to calculate functional acres lost from anthropogenic development or gained from mitigation to offset development. Policy multipliers incentivize minimization and implementation consistent with policies and BLM plans and incentivize restoration or enhancement. Credits or debits reflect functional acres gained or lost, after policy multipliers applied. Developers offset debits with credits at a 1:1 ratio.
- Developers can implement permittee-responsible credit projects, contribute to the Montana Stewardship Account (in-lieu fee payment), or work with a habitat exchange or conservation bank (though none exist to date). Funds put into Stewardship Account redirected through grants to 3rd parties to implement preservation (e.g. perpetual conservation easements, term leases 30 or more years), or habitat restoration or enhancement. The Program maintains a registry and conducts Adaptive management reviews annually.



# North Dakota

- No GRSG plan, mitigation program, regulations, or requirements.
- Proposed actions that may impact sage-grouse habitat are reviewed, and recommendations provided during oil and gas lease sales or proposed energy development.
- Mitigation recommendations are offered where applicable, implemented on a voluntary basis.



# Oregon

- A regulatory Sage-grouse Mitigation Program (2015) by Oregon Department of Fish and Wildlife with Sage-grouse Conservation Partnership (SageCon), a collaborative of private and non-governmental organizations, and state and federal agencies that aims to conserve sagebrush.
- Greater Sage-Grouse Conservation Strategy defines habitat, population targets, and mitigation hierarchy, and identified when a proposed action requires compliance with the ODFW mitigation hierarchy and Mitigation Program.
- Qualifying proposed projects on federal, state, or private, assessed by Mitigation Program if a county, state, or in some cases, federal permit needed.
- A Manual, Habitat Quantification Tool (HQT) Rationale, and User Guide in 2019 defined mitigation policies and quantification.
- Mitigation options: 1) permittee responsible mitigation, 2) In-Lieu Fee payment, and 3) credit purchase from approved mitigation bank. All mitigation to consist of uplift or restoration actions, protected by easement and maintained for life of impacts.
- Using GIS and field verification, HQT quantifies debits from direct, indirect, temporary, permanent disturbances, and credits from mitigation actions. Credits and debits equal functional acres of habitat gained or lost with 15% more credits required to meet a net gain standard. Projects are a 30-year minimum.
- No credit projects to date, though mitigation hierarchy has assisted several projects in fully avoiding or minimizing habitat impacts. ODFW is engaged with development projects and working through in-lieu fee process to establish its first mitigation siting through the Sage-Grouse Mitigation Program.



# South Dakota

- No GRSB plan, mitigation program, or regulations.
- Compensatory mitigation is voluntary.
- Proposed actions that may impact GRSB habitat reviewed by state, which makes recommendations including that lek buffers be included on drilling permits.
- One mitigation project has occurred to date.





# Utah

- New GRSG mitigation program and plan.
- Mitigation voluntary unless required by land mgmt. agency (i.e., BLM, USFS, or State Lands).
- Projects impacting habitat 5 years or more can use habitat exchange. A 4:1 mitigation ratio recommended.
- Debits equal 1 acre of direct or indirect disturbance. Credits 1 acre of improvement or protection (20 yr minimum) and can be developed and sold by state or landowners, but not yet on federal lands.
- 3,500 credits established by Utah Department of Natural Resources on state lands so far, but no transactions.



# Washington

- Washington Department of Fish and Wildlife mitigation program in place since 1999 for fish and wildlife habitat impacts, and a conservation program is now in place for GRSG using best available science and proven mitigation techniques.
- Cumulative impacts to be considered in mitigation.
- Concurrent, on-site, in-kind mitigation prioritized, though several options including banking and easements exist.
- Several durability mechanisms including baseline data, detailed plans, adequate replacement ratios, performance standards, maps and drawings, operating and maintenance plans (that include who), contingency plans, any agreements on performance bonds, etc.
- Project proponent pays all cost including those of monitoring mitigation and fish and wildlife response and all WDFW costs.
- The program also seeks mitigation for previously unmitigated projects.
- While not mandatory for all projects, program is said to have full participation.



# Wyoming

- Executive Orders (EOs; 2015-2019) established broad criteria for compensatory mitigation for GRSG as part of Core Population Area strategy and established a credit provider approval process.
- Compensatory mitigation framework outlining a credit and debit system was set up as part of Wyoming's compensatory mitigation strategy. It establishes requirements for all conservation credits which maintain existing habitats and remove potential threats. Mitigation may also be fulfilled through restoration credits. Avoidance and minimization measures are directed. Mitigation may be required when development projects do not adhere to EO 2019-3 thresholds and stipulations, and state permit is not otherwise denied.
- Debits assessed based on specific criteria and which threshold is exceeded. Debits are calculated using a pre-determined debit number multiplied by acres of impacted habitat in both Core and Non-core Population Areas. Debits also assessed on specific activity types exceeding thresholds and for short-term activities during seasonal stipulation period.
- A Memorandum of Agreement between Wyoming and BLM (2019) sets up how proposed projects on BLM-managed lands will be reviewed and compensatory mitigation implemented.
- Wyoming Greater Sage Grouse Compensatory Mitigation Act (Act; 2020) codified framework and established statutory definitions, minimum standards, and a multi-agency compensatory mitigation oversight group. Credit proposals to be reviewed by Compensatory Mitigation Oversight Group. Wyoming Board of Land Commissioners (Board) has Statutory authority to oversee the compensatory mitigation system. The Board developed administrative rules to implement the Act. Credit providers must be certified by the Board.
- Presently, one USFWS-approved compensatory mitigation bank is recognized by the Board.