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Fwd: Draft Report under E.O. 13783

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Kristin Bail <kbail@blm.gov>

From: Kristin Bail <kbail@blm.gov>
Sent: Wed Jul 05 2017 05:31:59 GMT-0600 (MDT)
To: Steve Tryon <stryon@blm.gov>, Karen Kelleher <kkelleh@blm.gov>, tbarthol@blm.gov, kmuller@blm.gov, Deborah Mead <dmead@blm.gov>
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Good morning. Attached for review and action is a signed memorandum from James Cason regarding the Draft Report on Energy Independence under Executive Order 13783.

Regards, Rob

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Will do, Kristin. With respect to item H, I presume the referenced Secretarial Order is 3353. (SO 3350 focuses on off-shore energy.)

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Date: July 5, 2017 at 7:11:02 AM EDT

To: Peter Mali <pmali@blm.gov>

Cc: "Kristin Bail," <kbail@blm.gov>, Tim Spisak <tspisak@blm.gov>, Kelly Orr <korr@blm.gov>, Timothy Shannon <tshannon@blm.gov>, Jeff Brune <jbrune@blm.gov>

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MDN 202-208-3801

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Michael D. Nedd
202-208-3801 Office
202-208-5242 Fax
mnedd@blm.gov

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Sent: Thursday, June 29, 2017 12:18 PM
To: Howarth, Robert <robert_howarth@ios.doi.gov>
Cc: Amy Holley <amy_holley@ios.doi.gov>; Katharine Macgregor <katharine_macgregor@ios.doi.gov>; Scott Cameron <scott_cameron@ios.doi.gov>; Virginia Johnson <virginia_johnson@ios.doi.gov>; Michael Black <Mike.Black@bia.gov>; Michael Reynolds <Michael_Reynolds@nps.gov>; Gregory Sheehan <gregory_sheehan@fws.gov>; Weldon Loudermilk

<weldon.loudermilk@bia.gov>; Dearman, Tony <tony.dearman@bie.edu>; Michael Nedd <mnedd@blm.gov>; Scott Angelle <scott.angelle@bsee.gov>; Walter Cruickshank <walter.cruickshank@boem.gov>; Glenda Owens <gowens@osmre.gov>; William Werkheiser <whwerkhe@usgs.gov>; Alan Mikkelsen <amikkelsen@usbr.gov>; Jorjani, Daniel <daniel_jorjani@ios.doi.gov>; Wackowski, Stephen <stephen_wackowski@ios.doi.gov>; Nikolao Pula <nikolao_pula@ios.doi.gov>; Vincent Devito <vincent_devito@ios.doi.gov>; James Cason <james_cason@ios.doi.gov>; Juliette Lillie <juliette_lillie@ios.doi.gov>; Rich Cardinale <Richard_Cardinale@ios.doi.gov>; Kerry Rae <kerry_rae@ios.doi.gov>; Maureen Foster <maureen_foster@nps.gov>; Peter Mali <pmali@blm.gov>; Lillie, Thomas <thomas.lillie@bsee.gov>; Emily Lindow <emily.lindow@boem.gov>; Judy Nowakowski <jnowakowski@usgs.gov>; James Hess <jhess@usbr.gov>; Laura Rigas <laura_rigas@ios.doi.gov>; Gavin Clarkson <gavin.clarkson@bia.gov>; Downey Magallanes <downey_magallanes@ios.doi.gov>; Beverly (Grace) Stephens <grace_stephens@nps.gov>; Charisa Morris <charisa_morris@fws.gov>

Subject: Re: Draft Report under E.O. 13783

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Thank you!
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On Thu, Jun 29, 2017 at 11:22 AM, Howarth, Robert <robert_howarth@ios.doi.gov> wrote:

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Regards, Rob

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Robert Howarth
Deputy Director for Correspondence and FOIA Management
Office of the Executive Secretariat and Regulatory Affairs
Department of the Interior
1849 C Street, NW
Washington, DC 20240
202-208-3181
202-208-4451 (direct)
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--

Elizabeth K. Appel
Office of Regulatory Affairs & Collaborative Action
Office of the Assistant Secretary - Indian Affairs
(202) 273-4680 - office

(202) 738-6065 - cell

--

Thomas Bartholomew
Resource Advisor - WO200
Bureau of Land Management
Resources and Planning Directorate
Washington, DC
202-208-5922

"Muller, Kit" <kmuller@blm.gov>

From: "Muller, Kit" <kmuller@blm.gov>
Sent: Wed Jul 05 2017 12:34:43 GMT-0600 (MDT)
To: Steve <stryon@blm.gov>
Subject: Fwd: Draft Report under E.O. 13783

Hi, Steve:

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Kit

----- Forwarded message -----

From: **Bail, Kristin** <kbail@blm.gov>
Date: Wed, Jul 5, 2017 at 2:06 PM
Subject: Re: Draft Report under E.O. 13783
To: Steve Tryon <stryon@blm.gov>, Karen Kelleher <kkelleh@blm.gov>, Thomas Bartholomew <tbarthol@blm.gov>, Kit Muller <kmuller@blm.gov>, Deborah Mead <dmead@blm.gov>

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"Tryon, Steve" <stryon@blm.gov>

From: "Tryon, Steve" <stryon@blm.gov>
Sent: Wed Jul 05 2017 14:00:24 GMT-0600 (MDT)
To: "Muller, Kit" <kmuller@blm.gov>
Subject: Re: Draft Report under E.O. 13783

Yessir. Pls check the email I am about to send you first.

st

Steve Tryon
Deputy Assistant Director, Resources and Planning
Bureau of Land Management
1849 C Street, NW
Room 5654
Washington, DC 20240
202-208-4896

On Wed, Jul 5, 2017 at 2:34 PM, Muller, Kit <kmuller@blm.gov> wrote:

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From: "Tryon, Steve" <stryon@blm.gov>
Sent: Wed Jul 05 2017 14:18:52 GMT-0600 (MDT)
To: Kit Muller <kmuller@blm.gov>
CC: "Bail, Kristin" <kbail@blm.gov>, Karen Kelleher <kkelleh@blm.gov>, Deborah Mead <dmead@blm.gov>, Heather Bernier <hbernier@blm.gov>, Miyoshi Stith <mstith@blm.gov>, Thomas Bartholomew <tbarthol@blm.gov>
Subject: Re: Draft Report under E.O. 13783
IM Guidance for Consideration of Greenhouse Gas Emissions in NEPA Reviews 6-30-17 (sol).docx Mitigation Manual and Handbook - CM sections table.docx Draft IM Mitigation Policy Option A 2017.06.21.docx Cason Memo EO 13783.pdf

Hi Kit,

Just a couple of thoughts, to focus our short-term exercise.

Attached are: 1) the request from Assoc. Dep. Sec. Cason (KB shared this with you this morning), 2) the current draft of the GHG Emissions replacement IM, 3) the current draft of Deblyn's side-by-side on Mitigation manual and handbook, and 4) the current draft of the Mitigation replacement IM. I have touched base with Kristin on this, and also with Aaron and Laura B. in SOL. What I think we should be doing to comply with the June 28 Assoc Dep Sec memo is to describe our intent in the required format, but not provide the draft IMs themselves. I am providing them to you simply for background and general direction, but not to edit, as they are still going through their own editing/surnaming processes.

So given that the request from Mr. Cason is pretty straightforward (Description, Issues of Concern, Benefits, Success, Interim Methods) do you think we could get a working draft back to me, Kristin, Thomas, and Karen by c.o.b. tomorrow (Thursday)? That would give us tomorrow night and Friday morning to make any changes and share with COS and SOL, which have both requested a look before it goes to Mike c.o.b. Friday.

btw, we are thinking that Jeff Brune will be the person to marry up the 200 and 300 writeups into a single document. There may be some follow-up requests from either Mike or Jeff in the first part of next week, when you will be acting DAD.

Thank you!

Steve Tryon
Deputy Assistant Director, Resources and Planning
Bureau of Land Management
1849 C Street, NW
Room 5654
Washington, DC 20240
202-208-4896

On Wed, Jul 5, 2017 at 2:13 PM, Bartholomew, Thomas <tbarthol@blm.gov> wrote:
Kit, I believe Jim Scrivner is preparing the report for WO300.

Best,

T

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To: Howarth, Robert <robert_howarth@ios.doi.gov>
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<tony.dearman@bie.edu>; Michael Nedd <mnedd@blm.gov>; Scott
Angelle <scott.angelle@bsee.gov>; Walter Cruickshank
<walter.cruickshank@boem.gov>; Glenda Owens
<gowens@osmre.gov>; William Werkheiser <whwerkhe@usgs.gov>;
Alan Mikkelsen <amikkelsen@usbr.gov>; Jorjani, Daniel
<daniel_jorjani@ios.doi.gov>; Wackowski, Stephen
<stephen_wackowski@ios.doi.gov>; Nikolao Pula
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<jnowakowski@usgs.gov>; James Hess <jhess@usbr.gov>; Laura
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<robert_howarth@ios.doi.gov> wrote:

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Deputy Director for Correspondence and FOIA Management
Office of the Executive Secretariat and Regulatory Affairs
Department of the Interior
1849 C Street, NW
Washington, DC 20240
202-208-3181
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(202) 273-4680 - office
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Thomas Bartholomew
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"Bail, Kristin" <kbail@blm.gov>

From: "Bail, Kristin" <kbail@blm.gov>
Sent: Thu Jul 06 2017 16:07:38 GMT-0600 (MDT)
To: "Tryon, Steve" <stryon@blm.gov>, Karen Kelleher <kkelleh@blm.gov>
Subject: Fwd: FW: Draft Report under E.O. 13783
Attachments: Input into July Draft Report on Energy_WO300_06JUL17.docx

Steve -- FYI. Karen -- the last item in their report discusses the O&G prioritization memo, May be worth a look. -K

----- Forwarded message -----

From: **Pionke, Erica** <epionke@blm.gov>
Date: Thu, Jul 6, 2017 at 3:46 PM
Subject: Re: FW: Draft Report under E.O. 13783
To: Peter Mali <pmali@blm.gov>
Cc: James Scrivner <jscrivne@blm.gov>, "Leverette, Mitchell" <mleveret@blm.gov>, "Wells, Steven" <s1wells@blm.gov>, Catherine Cook <ccook@blm.gov>, Alfred Elser <aelser@blm.gov>, "Buhler, Don" <dbuhler@blm.gov>, Robert Jolley <rbjolley@blm.gov>, Shelley McGinnis <smcginnis@blm.gov>, Timothy Spisak <tspisak@blm.gov>, Kristin Bail <kbail@blm.gov>, Kelly Orr <korr@blm.gov>, Timothy Shannon <tshannon@blm.gov>, Jeff Brune <jbrune@blm.gov>

Peter,

Here is WO-300's input on the Draft Report under E.O. 13783.

Please let me know if you have any questions or need changes.

Thanks!

Erica

On Wed, Jul 5, 2017 at 9:57 AM, Timothy Spisak <tspisak@blm.gov> wrote:

Erica/Jim: would you take the lead on pulling this info together? I just got it this morning and it looks to be a Department report on the various activities we all have been working on. There is a helpful template to insert the various components (coal, O&G, etc). We will feeding this into a BLM component, presumable with Jeff Brune.

Thanks!
Tim

'Serenity Now!' – Frank Costanza, *Seinfeld*, 1997
'Serenity now, insanity later' – Lloyd Braun, *Seinfeld*, 1997

Timothy 'Tim' R. Spisak
Acting Assistant Director,
Energy, Minerals & Realty Management, WO-300
DOI-Bureau of Land Management
tspisak@blm.gov
(202) 208-4201 office
(202) 251-3079 cell

From: Michael Nedd [mailto:mnedd@blm.gov]
Sent: Wednesday, July 5, 2017 7:11 AM
To: Peter Mali <pmali@blm.gov>
Cc: Kristin Bail, <kbail@blm.gov>; Tim Spisak <tspisak@blm.gov>; Kelly Orr <korr@blm.gov>; Timothy Shannon <tshannon@blm.gov>; Jeff Brune <jbrune@blm.gov>
Subject: Fwd: Draft Report under E.O. 13783

Looping in ADs (my oversight).

Also, looks like folks will not grant an extension.

My read suggest the report will be primarily a compilation of on going activities, I'm hoping we can have a good draft by cob Friday.

Take care and have wonderful day! :-)))

MDN 202-208-3801

A thought to consider "Do all the good you can, in all the ways you can, for all the people you can, while you can!"

Sent from my mobile device, please excuse any typos.

Begin forwarded message:

From: Michael Nedd <mnedd@blm.gov>
Date: July 3, 2017 at 11:25:01 AM EDT
To: Peter Mali <pmali@blm.gov>, korr@blm.gov, Jeff Brune <jbrune@blm.gov>, Timothy Shannon <tshannon@blm.gov>
Cc: John Ruhs <jruhs@blm.gov>, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>
Subject: FW: Draft Report under E.O. 13783

Hi team,

Pls see incoming and request for us to get feedback to DOI (via ASLM) NLT July 14. Given the July 4 holiday and the likely hood of folks being gone, coupled with our ELT meeting next week, I'm thinking a week extension would be in order...

Peter, I leave it to you and the Advisors to help steer us through this effort...

Take care and have a wonderful day! :)

Michael D. Nedd
202-208-3801 Office
202-208-5242 Fax
mnedd@blm.gov

A thought to consider "Do all the good you can, in all the ways you can, for all the people you can, while you can!"

From: Appel, Elizabeth [mailto:elizabeth.appel@bia.gov]
Sent: Thursday, June 29, 2017 12:18 PM
To: Howarth, Robert <robert_howarth@ios.doi.gov>
Cc: Amy Holley <amy_holley@ios.doi.gov>; Katharine Macgregor <katharine_macgregor@ios.doi.gov>; Scott Cameron <scott_cameron@ios.doi.gov>; Virginia Johnson <virginia_johnson@ios.doi.gov>; Michael Black <Mike.Black@bia.gov>; Michael Reynolds <Michael_Reynolds@nps.gov>; Gregory Sheehan <gregory_sheehan@fws.gov>; Weldon Loudermilk <weldon.loudermilk@bia.gov>; Dearman, Tony <tony.dearman@bie.edu>; Michael Nedd <mnedd@blm.gov>; Scott Angelle <scott.angelle@bsee.gov>; Walter Cruickshank <walter.cruickshank@boem.gov>; Glenda Owens <gowens@osmre.gov>; William Werkheiser <whwerkhe@usgs.gov>; Alan Mikkelsen <amikkelsen@usbr.gov>; Jorjani, Daniel <daniel_jorjani@ios.doi.gov>; Wackowski, Stephen <stephen_wackowski@ios.doi.gov>; Nikolao Pula <nikolao_pula@ios.doi.gov>; Vincent Devito <vincent_devito@ios.doi.gov>; James Cason <james_cason@ios.doi.gov>; Juliette Lillie <juliette_lillie@ios.doi.gov>; Rich Cardinale <Richard_Cardinale@ios.doi.gov>; Kerry Rae <kerry_rae@ios.doi.gov>; Maureen Foster <maureen_foster@nps.gov>; Peter Mali <pmali@blm.gov>; Lillie, Thomas <thomas.lillie@bsee.gov>; Emily Lindow <emily.lindow@boem.gov>; Judy Nowakowski <jnowakowski@usgs.gov>; James Hess <jhess@usbr.gov>; Laura Rigas <laura_rigas@ios.doi.gov>; Gavin Clarkson <gavin.clarkson@bia.gov>; Downey Magallanes <downey_magallanes@ios.doi.gov>; Beverly (Grace) Stephens <grace_stephens@nps.gov>; Charisa Morris <charisa_morris@fws.gov>
Subject: Re: Draft Report under E.O. 13783

Hi Everyone-

The attachment to the memo is provided in MS Word here for your convenience.

Thank you!
Liz

On Thu, Jun 29, 2017 at 11:22 AM, Howarth, Robert <robert_howarth@ios.doi.gov> wrote:

Good morning. Attached for review and action is a signed memorandum from James Cason regarding the Draft Report on Energy Independence under Executive Order 13783.

Regards, Rob

--

Robert Howarth
Deputy Director for Correspondence and FOIA Management
Office of the Executive Secretariat and Regulatory Affairs

Department of the Interior
1849 C Street, NW
Washington, DC 20240
202-208-3181
202-208-4451 (direct)
202-549-8961 (cell)

--

Elizabeth K. Appel
Office of Regulatory Affairs & Collaborative Action
Office of the Assistant Secretary - Indian Affairs
(202) 273-4680 - office
(202) 738-6065 - cell

--

Erica Pionke, JD, PMP
*WO-301 Realty Specialist - Roads, Railroads, Pipelines
and Diversity Change Agent*
Bureau of Land Management
20 M Street, SE, Room 2134 LM
Washington, DC 20003
Direct: (202) 912-7219
Cell: (202) 570-2624
epionke@blm.gov

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[Youtube](#), [Flickr](#), [Pinterest](#), [Steller](#), [Vine](#), [LinkedIn](#)

Template for Input into July Draft E.O. 13783 Energy Report

Please use the format provided by this template for your input required under Executive Order 13783.

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Please provide an executive summary highlighting key activities your bureau/office is doing to alleviate or eliminate actions that potentially burden development or use of domestically produced energy resources. Include:

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 - *Energy-Related Information Collections*
 - *Grant Programs*
 - *Restrictions in Acquisition Policy or Regulation*
 - *Other*

II. Recommendations for Alleviating or Eliminating Burdensome Actions

A. Climate Change Actions

For each climate change action with the potential to burden development or use of domestically produced energy resources, provide:

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C. Coal-Related

For **each** coal-related action with the potential to burden development or use of domestically produced energy resources, provide:

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D. Indian Energy Actions

For **each** Indian energy action with the potential to burden development or use of domestically produced energy resources (including but not limited to Tribal Energy Resource Agreement regulations, lack of capital and cost recovery for development of Tribal energy, and Indian trader regulations), provide:

- 1. Description.** Describe the action, including whether the action is a policy, rule, or other document and how the action potentially burdens development or use of domestically produced energy resources
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E. Energy-Related Information Collections under the Paperwork Reduction Act

Identify whether there are any energy-related collections of information under the Paperwork Reduction Act (e.g., Approval of Operations, OMB Control No. 1004-0213; Application for Permit to Drill, OMB Control No. 1014-0025) that could reduce administrative burden on energy development and use through simplification of forms and associated instructions or guidance, or ceasing collections that are unnecessary or lack practical utility. For **each** such information collection, provide:

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F. Grant Programs

*Identify whether there are any grant programs (including applications and scoring processes) that potentially burden the development or use of domestically produced energy, particularly those that exclude the production or use of certain forms of energy. For **each** such grant program, provide:*

1. **Description.** *Describe the grant program and how it potentially burdens development or use of domestically produced energy resources*
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G. Restrictions in Acquisition Policy and Regulations

*Identify whether there are any restrictions in acquisition policy and regulations (including but not limited to the policy for energy management) that potentially burden the development or use of domestically produced energy. For **each** such restriction, provide:*

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H. Other Actions that Potentially Burden Development or Use of Energy

*Identify any other action identified that does not fit into one of the categories listed above, with the potential to burden development or use of domestically produced energy resources. For **each** such action, provide:*

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THE ASSOCIATE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON, DC 20240

JUN 28 2017

Memorandum

To: Assistant Secretaries
Heads of Bureaus and Offices

From: Associate Deputy Secretary *James E. Casper*

Subject: Draft Report on Energy Independence under E.O. 13783

Executive Order (E.O.) 13783, Promoting Energy Independence and Economic Growth, requires the head of each agency to review all agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. *See* E.O. 13783, section 2(a). As part of this review, each agency must submit a draft report to the Vice President and others at the end of July that includes recommendations for addressing actions through rescission, revision, suspension, publication for notice and comment, or otherwise.

Thank you for your efforts to date in identifying actions and providing recommendations under E.O. 13783 and Secretary's Order 3349, American Energy Independence. To ensure that we accurately capture your extensive efforts in the upcoming Interior-wide draft report, please insert the information you have already provided into the format provided in the attached template, filling in any gaps and providing any updates. If you have already identified actions but have not yet made specific recommendations for reconsideration, modification, or rescission, as appropriate, please take this opportunity to make those recommendations. Please also review the template closely, as it requires the inclusion of actions that may extend beyond those you identified in your prior submission. Your use of this format will greatly assist us in ensuring consistency and merging all Bureaus' information into a Department-wide report.

Please provide your formatted input to the Office of the Executive Secretariat, room 7314, by noon on July 14, 2017. Your submission constitutes your approval for the draft report. Thank you again for your attention to this important effort.

cc: Counselor to the Secretary for Energy Policy
Chiefs of Staff

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INTERNAL DELIBERATIONS – DO NOT DISTRIBUTE

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IM 2017-xxx Instruction Memorandum
United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>

xxx xx, 2017

In Reply Refer To:
1601, 1790 (210) P

EMS Transmission xx/xx/2017

Instruction Memorandum No. 2017-xxx


To: All Washington Office and Field Officials

From: Assistant Director for Resources and Planning

Subject: Guidance on Considering Greenhouse Gas Emissions in National Environmental Policy Act Reviews, and rescission of Permanent Instruction Memorandum 2017-003.

Program Areas: National Environmental Policy Act and Planning

(b) (5)



(b) (5)

[Redacted]

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[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

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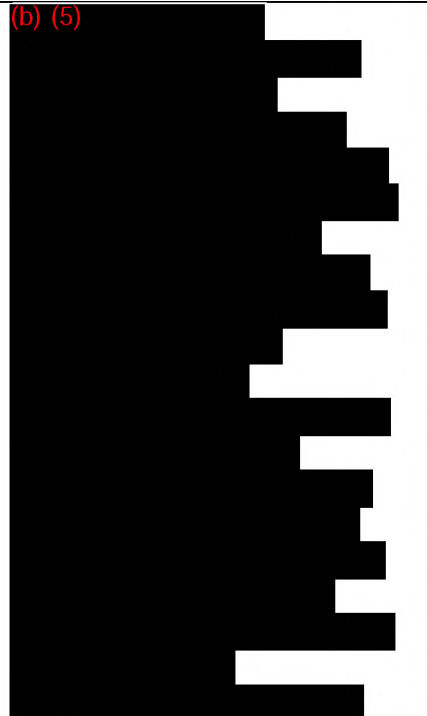
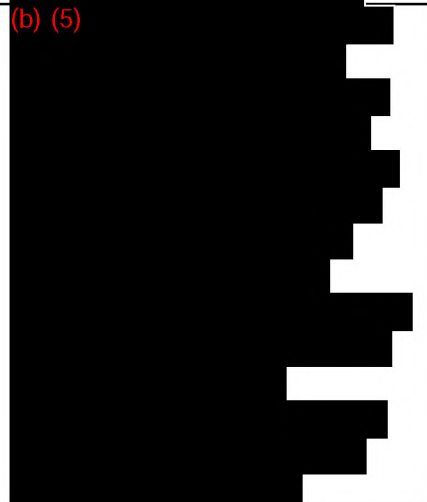
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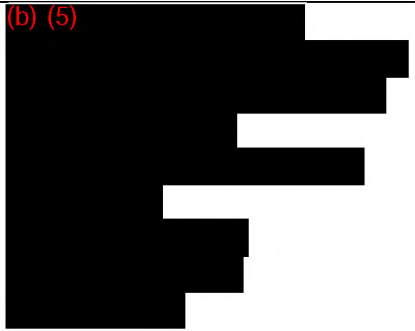


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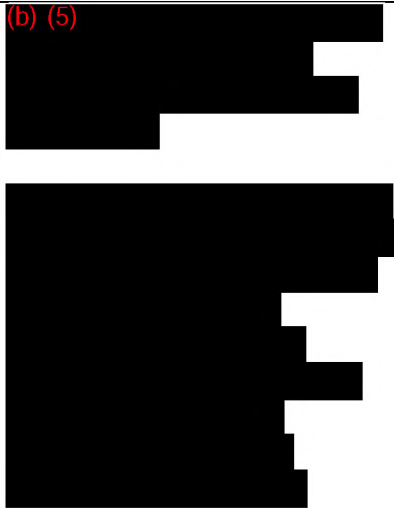


BLM Mitigation Manual (MS-1794) and Handbook (H-1794-1) – Compensatory Mitigation Sections Summary

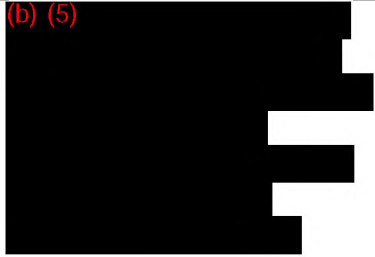
*This table includes sections of the Mitigation Manual and Handbook that reference “compensation.” It does not include examples presented to illustrate policy points in the Manual or Handbook or entries in the glossaries that reference compensation. These parts of the Manual and Handbook would need to be revisited for consistency with any modifications to policy. **Highlighted** entries may be more restrictive than the 2005 and/or 2008 mitigation policy IMs (i.e., reflect a change in policy between 2008 and 2016), or possibly conflict with the purposes of Secretarial Order 3349, or recently rescinded policy or guidance documents.*

Section of Manual	Compensatory Mitigation Reference/Summary	Notes / Suggestions
1.4.C.5 Responsibility of State Directors	“Support the development of compensatory mitigation mechanisms (e.g., mitigation banks, mitigation exchanges, mitigation funds), to the extent appropriate, practicable, and consistent with applicable law.”	
1.4.D.5 Responsibility of District Managers and Field Managers	“Support the development of compensatory mitigation mechanisms (e.g., mitigation banks, mitigation exchanges, mitigation funds), to the extent appropriate, practicable and consistent with applicable law.”	
1.6.A.1(a) Mitigation, definition from CEQ regulations	<ul style="list-style-type: none"> compensating for the impact by replacing or providing substitute resources or environments (see Handbook Chapter 2). 	
1.6.A.1(a) Mitigation, hierarchy as defined by 600 DM 6.4B and subsequently in this manual section and H-1794-1	“Collectively, the five aspects of mitigation (avoid, minimize, rectify, reduce/eliminate, compensate) are referred to as the mitigation hierarchy because they are generally applied in a hierarchical manner (600 DM 6.4.B) (Manual Section 1.6.B). As explained in the Department Manual (600 DM 6.4.A) all five aspects of mitigation can, as a practical matter, be summarized as avoidance, minimization, and compensation. In this handbook, when referring to mitigation, the full five-prong mitigation hierarchy is implied.”	
1.6.A.1 (e) Mitigation, irreplaceable resources	“Existing legal authorities contain additional protections for some resources that are of such irreplaceable character that minimization and compensatory mitigation measures may not be adequate or appropriate, and therefore avoidance is the only appropriate form of mitigation, consistent with applicable law.”	
1.6.A.1 (f) Mitigation, BLM ‘nutshell’ interpretation of	“The need for compensatory mitigation should be based on applicable mitigation standards, and what is appropriate for each individual	(b) (5)

<p>need for CM and preference for advance CM</p>	<p>proposed public land use, taking into consideration applicable law, policies, land use plans, and mitigation strategies (Handbook Chapter 2.5.B). In general, the BLM should seek to identify compensatory mitigation measures that will appropriately mitigate the reasonably foreseeable residual effects that warrant compensatory mitigation, after first considering and applying, as appropriate, the first four mitigation approaches in the five-prong mitigation hierarchy, and achieve the maximum benefit to the impacted resources within the context of the conditions and trends of those resources, at all relevant scales. All compensatory mitigation obligations should be commensurate with the impacts from the public land uses (Handbook Chapter 2.5.F.1). Additionally, the BLM's general preference is to achieve compensatory mitigation outcomes in advance of public land uses' impacts (Handbook Chapter 2.5.F.2)."</p>	<p>(b) (5)</p> 
<p>1.6(A)(2)(e) Landscape-Scale Approach</p>	<p>"A landscape-scale approach also allows for identification of the most effective compensatory mitigation sites without implying a preference for siting compensatory mitigation closer to or farther away from the impacted site or implying a preference for Federally managed lands. The lack of preference for Federally managed lands in siting compensatory mitigation is due, in some instances, to the BLM's interest in benefiting specific impacted public land resources.</p> <p>The maximum benefit to the impacted resource might be achieved at a compensatory mitigation site either geographically close or geographically far from the impacted site, so long as the mitigation at that site has a reasonable relationship to benefiting the public land resources where the resource impact is expected to occur or is occurring. The site that provides the maximum benefit to the public land resources</p>	<p>(b) (5)</p> 

	<p>does not need to be near the site where the resource impact occurred. Compensatory mitigation measures sited on non-BLM-managed lands, which may include lands managed by other land management agencies, will require the consent of the landowner or manager.</p> <p>For example, this could include identifying a compensatory mitigation site near the impacted site for a locally important species, such as a scarce and locally endemic plant, that may decline due to the impact of the public land use. Or, it may include identifying a compensatory mitigation site far from the site of the public land use and potentially on non-public lands (with a willing landowner), where the species may have a more pressing ecological need (such as scarce breeding grounds), as long as a reasonable relationship is maintained between the impacts of the public land use and the compensatory mitigation measure(s) implemented at that site.”</p>	(b) (5) 
1.6(A)(2)(f) Landscape-Scale Approach	“Compensatory mitigation may be appropriate even if the compensatory mitigation measures are sited outside the boundaries of the lease, grant, mining plan of operations, etc., as long as a reasonable relationship is maintained between the impacts of the public land use and the compensatory mitigation measure(s) being implemented at that site. The use of compensatory mitigation does not mean that BLM may approve public land uses that cause unnecessary or undue degradation to the public lands (see Manual Section 1.6.E.3).”	(b) (5) 
1.6(A)(4)(a) Durability	“Durability includes three types of considerations for mitigation measures and for compensatory mitigation sites: resource, administrative, and financial.”	(b) (5) 

<p>1.6(A)(4)(a)(i-iii) Durability</p>	<p>i. “Resource considerations for durability include, but are not limited to, ensuring that mitigation measures and/or compensatory mitigation sites achieve and maintain their required outcomes, including being resilient to changing circumstances (e.g., climate change, fire, invasive species), for the duration of the impacts.</p> <p>ii. Administrative considerations for durability include, but are not limited to, restricting incompatible uses on mitigation sites (e.g., through the use of a conservation easement on private land), or permitting land uses that are supportive of the mitigation sites (e.g. additional restoration projects), through permit terms and conditions, land use planning, or legal designations.</p> <p>iii. Financial considerations for durability include, but are not limited to, ensuring there will be financing sufficient to maintain, monitor, and adaptively manage mitigation measures and/or compensatory mitigation sites for the duration of the impacts from the public land use (Handbook Chapter 6.2).”</p>	<p>(b) (5)</p> 
<p>1.6(A)(4)(b) Durability, Duration</p>	<p>“For compensatory mitigation measures and sites, the BLM should consider the duration of the residual effects to be at least until the residual effects have been restored.”</p>	
<p>1.6(A)(4)(d) Durability, reference to more direction on site protection</p>	<p>“Details about tools to achieve (degrees of) durability for compensatory mitigation sites on BLM-managed lands and private lands are described in Handbook Appendix 1.”</p>	
<p>1.6(A)(5) Mitigation Measures’ Outcomes and Performance Standards</p>	<p>“The BLM should also develop performance standards through regulations, land use planning, or in another decision document, as appropriate, as part of the mitigation requirements that the BLM will use to monitor and assess the effectiveness of compensatory mitigation measures.”</p>	<p>(b) (5)</p> 
<p>1.6(A)(6)(b)(ii) Implementation</p>	<p>“As mentioned in the first paragraph of this section, the BLM should ensure that mitigation measures are implemented and monitored for effectiveness, as provided for in land use authorizations, and consistent</p>	<p>(b) (5)</p> 

(Compliance) and Effectiveness Monitoring	with applicable law and regulation. Where a responsible party uses a third-party compensatory mitigation mechanism to fulfill a compensatory mitigation requirement, it is acceptable for the responsible party to transfer monitoring responsibilities to the third party. (Handbook Chapter 2.5.I)."	
1.6(A)(10)(b) Best Available Science	"For compensatory mitigation obligations, it may be appropriate to include scientific studies or inventories that can aid in determining the appropriate type, duration, and amount of compensation. Generally, scientific studies or inventories, on their own, should not be considered compensation, unless the studies or inventories are clearly necessary to inform the maintenance, monitoring, or adaptive management of the compensatory mitigation measures, or otherwise directly benefit the management of the impacted resources."	
1.6(B) Implementing the Mitigation Hierarchy	"First, the BLM will seek to require the public land user to avoid impacts, consistent with applicable law(e.g., by altering project design, location, or timing); then the BLM will seek to require the public land user to minimize impacts (e.g., through project modifications, permit conditions, interim and final reclamation, etc.); and, generally, only if those approaches are insufficient to fully mitigate the impacts from a proposed public land use, will the BLM seek to require the public land user to compensate for some or all of the remaining impacts [to important, scarce, or sensitive resources] from the proposed public land use (i.e., residual effects), based on the criteria identified in Handbook Chapter 2.5.B."	
1.6(B) Implementing the Mitigation Hierarchy (indirectly addressing legacy wells?)	"In many cases, the five aspects of the mitigation hierarchy will overlap. For example, consistent with lease terms and conditions, interim reclamation of a producing oil and gas well may be considered a form of either minimizing or reducing/eliminating impacts over time. Final reclamation, on the other hand, is a form of rectification, but could be considered compensation when an operator performs final reclamation and restoration of orphaned oil and gas well locations and access roads (i.e., locations that no longer have a responsible party) in order to obtain permits for additional new wells and roads in an area that has a surface	(b) (5) 

	disturbance limitation/cap in the land use plan, consistent with lease terms and conditions.”	
1.6(D) Advance Consideration of Mitigation: Land Use Planning (interim)	“The land use planning process provides one method for identifying, considering, and, as appropriate, requiring mitigation well in advance of anticipated public land uses. Additionally, the land use planning process provides an opportunity to incorporate relevant components of a mitigation strategy into a land use plan (Handbook Chapter 3). The land use plan can identify resource objectives and associated mitigation standards, land use allocations, and management actions to facilitate the application of appropriate mitigation for public land uses. Also, to support the implementation of durable compensatory mitigation measures on BLM-managed lands, the BLM can support or identify compensatory mitigation sites with land use allocations that limit or exclude incompatible uses of those sites, consistent with applicable law.”	(b) (5)
1.6(D)(4) Advance Consideration of Mitigation: Land Use Planning (interim), NCLs	“Land use allocations that support or identify compensatory mitigation sites on BLM-managed lands and limit or exclude incompatible uses of those sites. Compensatory mitigation sites may be located within formal designations, such as Areas of Critical Environmental Concern (ACEC) or units of the National Conservation Lands, or may be located within general geographic areas without a formal designation where incompatible uses are excluded or restricted.”	(b) (5)
1.6(E)(3) Unnecessary or Undue Degradation	“The BLM cannot authorize a public land use that would result in unnecessary or undue degradation to the public lands (FLPMA § 302(b), 43 USC § 1732(b)). Proposed public land uses that are expected to cause unnecessary or undue degradation will either be denied or modified (via avoidance, minimization, rectification, and reduction/elimination over time) such that the reasonably foreseeable impacts will not cause unnecessary or undue degradation. In limited circumstances, compensatory mitigation can mitigate for impacts that would—in the absence of such compensatory mitigation—constitute unnecessary or undue degradation.”	
1.6(F)(3) Policy Limitations, Valid Existing Rights and Limited Discretion Decisions	“This policy applies to a different extent where the BLM’s discretion to deny or regulate a proposed public land use is more limited, such as with mining plans of operations, existing leases, existing contracts, or	

	<p>statutorily mandated actions like legislated land exchanges or sales. Nonetheless, the application of mitigation may be appropriate. In these instances, the BLM will still identify and consider the effectiveness of appropriate mitigation measures in its NEPA analyses, including compensatory mitigation; however, any mitigation requirements in the decision should be consistent with the regulations governing mining plans of operations, the terms and conditions of existing leases and existing contracts, or the applicable legislation. For example, if an oil and gas lease has issued with standard lease terms and conditions, the BLM should ensure that any additional and appropriate mitigation measures required for a permit to drill are reasonable and consistent with those lease terms and conditions.”</p>	
1.6(F)(3) Policy Limitations, Land Use Authorizations on Split Estate Lands	<p>“If siting compensatory mitigation on split estate lands, the BLM will ensure that the willing landowner consents and that the site will receive adequate administration, durability, monitoring, reporting, funding, and that BLM is provided reasonable access to the compensatory mitigation site(s) for oversight purposes for the duration of the impacts from the public land use.”</p>	
1.7(A)(1-2) File and Records Maintenance	<p>A. “Compensatory mitigation monitoring reports. B. The geospatial area impacted by the public land use and that of compensatory mitigation measures and sites, with metadata describing the associated public land use (e.g., case file number) and the duration that the measure and site should be durable. C. The geospatial area of mitigation strategies.”</p>	(b) (5)

Section of Handbook	Compensatory Mitigation Reference/Summary	Notes / Suggestions
Introduction	<p>“The BLM seeks to implement an approach to public land management that includes up-front identification of: low-conflict areas for development that avoid impacts; best management practices to minimize impacts during construction, operation, and reclamation; compensatory mitigation measures and sites to address residual effects that warrant</p>	