



Mitigating Adverse Impacts on National Forests and Grasslands



Informational Webinar

Wednesday 6 April 2016

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Mitigation

The Forest Service has the responsibility to manage National Forest System (NFS) lands for multiple uses and the sustained yield of goods and services derived from those lands.

The use of mitigation allows the Forest Service to support a wide variety of resource and land uses while helping ensure that NFS lands continue to provide the goods and services expected by the public.

To help the Agency more effectively and efficiently use mitigation to meet its responsibilities, the Forest Service is inviting input on development of a new national policy concerning mitigation of adverse impacts on NFS lands.

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Agency Goals

- Make the full suite of mitigation options more consistent, predictable, and effective;
- Effectively avoid or minimize adverse impacts to National Forest System lands and their functions, values, and services, and compensate for unavoidable impacts to important, scarce, or sensitive resources;
- Encourage use of National Forest System lands in support of both public and private investment in land and watershed restoration when consistent with law, regulation, policy, and applicable land management plans;
- Encourage cooperation among governmental and private entities regarding mitigation opportunities; and
- Encourage use of the best available science and landscape-scale conservation to inform mitigation.

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Existing Forest Service Mitigation

- Land management plans incorporate avoidance, minimization, and restoration provisions;
- Agency actions use avoidance and minimization to mitigate impacts; and
- The Agency works with proponents and the public to identify and mitigate impacts from proposed projects consistent with existing authorities and valid existing rights.

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Moving Forward

Executive Order 13604: Improving Performance of Federal Permitting and Review of Infrastructure Projects (March 22, 2012)

- Establish efficient and effective processes for proposed infrastructure projects that ensure that they are designed, built, and maintained in a manner that is consistent with protecting the public and the environment.
- Ensure that projects are designed to avoid adverse impacts on public health, security, historic properties and other cultural resources, and the environment, and to minimize or mitigate residual impacts.

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Moving Forward cont.

Presidential Memorandum: Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment (Nov. 3, 2015)

- Avoid and then minimize harmful effects to natural resources caused by land- or water-disturbing activities, and to ensure any remaining harmful effects are effectively addressed.
- Adopt a clear and consistent approach for avoidance and minimization of, and compensatory mitigation for, the impacts of their activities and the projects they approve.

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How we are proceeding

Forest Service policy development will consist of the following two parts:

- 1) a brief regulation that establishes clear goals for the use of mitigation on National Forest System lands; and
- 2) a detailed set of directives in the Forest Service Manual and Handbook that clarify methods, tools, and their appropriate use.

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Some Policy Considerations

- Broad-scale policy integration with the Organic Act, MUSYA, NFMA, NEPA and other authorities;
- More consistent application of mitigation to future activities, authorizations, and planning across the Agency;
- Consistent minimization of net loss of ecosystem functions and values over time, including the goods and services derived from the National Forests and Grasslands;
- Improved efficiency and effectiveness of permitting and environmental analyses;
- Establishment or enhancement of partnerships and collaboration with the private sector, states, tribes, and local governments; and
- Location of compensatory mitigation on NFS lands from off-NFS private or public projects that offers opportunities for watershed, ecosystem, and other broad-scale restoration efforts.

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Scope & Applicability

Important concepts to include within the scope and applicability of mitigation policy recommendations:

- Consistency with agency mission and legal authorities;
- Options for mitigation on or outside of NFS lands;
- Activities and projects that would prompt the Agency to consider or dismiss use of compensatory mitigation;
- Focus compensatory mitigation on unavoidable impacts to important, scarce, or sensitive resources;
- Applicability to activities, plans, or revisions that have been initiated by the time that this regulation is placed into effect; and
- Respect valid existing rights on NFS lands.

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Request for Input

- Your input on a brief, goal-oriented regulation by **April 18, 2016**
 - Visit www.fs.fed.us/emc/nepa/FSMitigationPolicy.htm or download White Paper: Seeking Recommendations in Formulating Agency Policy on Mitigating Adverse Impacts on National Forests and Grasslands (March 2016)
- Suggest concepts that should be addressed, clarified, or specifically not addressed
- Focus at a high level (10,000 ft) – please don't include specific regulatory language
- There will be opportunity to provide input into the development of the detailed directives later

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Timeline

- Proposed mitigation regulation published on or before June 1, 2016
 - comment period will follow to offer opportunity to provide specific input on draft regulation
- Focused work on the detailed directives will begin only after we receive and process the comments on the proposed regulation
- Final regulation by end of October 2016
- Public input on draft directives in late 2016/early 2017
- Final directives by end of November 2017

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www.fs.fed.us/emc/nepa/FSMitigationPolicy.htm

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