

## Challenges



### *Determining When Mitigation is Appropriate*

- Consider mitigation, even for non-significant impacts.
- Develop mitigation measures where feasible.
- Identify all relevant, reasonable mitigation measures, even those outside the jurisdiction of the lead or cooperating agencies, and thus not committed to in agency decisions.

Source: CEQ – NEPA's 40 Most Asked Questions 19a & 19b

## Challenges



### *Determining Effectiveness of Mitigation\**

- Address expected effectiveness of mitigation in reducing or avoiding adverse impacts.
- Tie to expected tangible results based on a verifiable method (e.g. similar past activities or scientific research findings).
- Identify the relationship of resources and values affected by the action and benefitted by the mitigation.

\* Can be difficult with offsite mitigation

Source: BLM NEPA Handbook (H-1790) Sec. 6.8.4, Regional Mitigation Manual Sec. (MS-1794) 1.6.D.2

## Challenges



### *Compensatory Funding for Offsite Mitigation*

- Allocate funds collected to specific mitigation projects.
- Choose an amount that can be justified if challenged.
- Establish financial contribution agreements to outline key aspects of expected expenditures, timelines, and progress updates.
- Specify management approach for implementation – the BLM retains responsibility for ensuring implementation even when working with partners.

Source: Regional Mitigation Manual Section (MS-1794) 1.6.D.19 – 1.6.D.22

## Challenges



### *Monitoring to Ensure Compliance with the Decision and Predicted Effectiveness*

- Consider staff limitations for site visits, reviewing reports, etc.
- Establish MOU or other enforceable, binding agreements with partners to increase likelihood of mitigation.
- Use third-party contractors to supplement BLM staff oversight during major project construction or mitigation implementation.

Source: Regional Mitigation Manual (MS-1794) Section 1.6.D.5