Management Protocol

Project proponents should apply the following Management Protocol upon federal, state, SITLA and private lands in SGMAs, as follows, and consistent with Utah Administrative Rule R634-3 (Compensatory Mitigation Program), as amended. If there are differences between this Management Protocol and R634-3, as amended, R634-3 shall be the authoritative source.

Habitat: Areas identified by the State as habitat on federal and state lands should be managed to avoid permanent surface disturbance to the greatest degree possible. Consultation with the DWR should occur at the earliest opportunity when land use which may result in a disturbance is contemplated. This protocol may be applied by private landowners, or on SITLA property, through a voluntary incentive-based agreement, to minimize impacts from permanent disturbance on private and SITLA property.

For purposes of determining the appropriate management response to a proposed disturbance, habitat is divided into four subcategories, as defined in Appendix 5:

1) the lek[1] itself;
2) the nesting and brood rearing area
3) winter habitat; and
4) migration corridor

Lek

Management provisions include:

a) Avoid disturbance within the lek, if possible. Project proponents must demonstrate why avoidance is not possible.

b) If avoidance is not possible, use minimization as appropriate to minimize disturbance to the lek.

c) If minimization is not sufficient, compensatory mitigation should be utilized. It is recommended that any person causing permanent disturbance to an acre of sage-grouse habitat should provide or protect four acres of functional habitat or corridors as a proper compensatory mitigation ratio to offset impacts. The 4:1 Mitigation Ratio is intended to offset the direct and indirect impacts from permanent disturbance, while also accounting for differences in habitat quality and uncertainty resulting from compensatory mitigation projects. Project proponents may propose an alternative mitigation strategy or ratio that independently and adequately considers and offsets the direct and indirect effects of any project on sage-grouse. Alternative mitigation strategies must be agreed to in writing by the landowner, DWR and PLPCO prior to implementing such action. Compensatory Mitigation should result in the creation or protection of functional habitat or corridor

[1] Occupied leks. (See Appendices 3, 5 and 8)

capable of supporting greater sage-grouse, though birds do not need to be using the mitigated area.

Functional habitat is defined in Utah Admin. Code R634-3-3 iand is intended to result in lands that will support sage-grouse lifecycle. Similarly, corridors are defined in Utah Admin. Code R634-3-3 and are intended to serve as an area of land that facilitates sage-grouse movement between two or more areas of currently occupied habitat. The proponent of the disturbance must demonstrate that the conditions have been met.

Successful mitigation for effects may include:

i) Creating functional sage-grouse habitat adjacent to existing occupied habitat that has a live sagebrush canopy of at least 10%, and has no more than 1% canopy cover of conifer trees over 0.5 meters in height.

ii) Creating corridors that link two occupied habitat areas that facilitates safe movement between habitats, particularly by broods. A corridor must be at least 100 acres in size, have a width of at least 2,000 feet, contain less than 1% canopy cover by conifers, and have at least 15% ground cover in perennial grasses, in addition to the presence of shrubs and forbs.

iii) Protecting existing occupied habitat through a conservation bank, easement or other mechanism.

d) New permanent disturbance, including structures, fences, and buildings, should not be located within the lek itself.

e) No permanent disturbance within one mile of the lek, unless it is not visible to the sage-grouse using the lek.

f) Fences should not be located adjacent to leks where bird collisions would be expected to occur. If required, the construction of any fences near the lek should follow the standards identified in the NRCS fence collision risk tool (See NRCS/CEAP Conservation Insight Publication "Applying the Sage Grouse Fence Collision Risk Tool to Reduce Bird Strikes.")

g) A disturbance outside the lek should not produce noise which rises more than 10 db above the background level at the edge of the lek during breeding season.

h) Employ seasonal disturbance stipulations as follows:

i) Implement time-of-day stipulations during the season when the lek is occupied. (*e.g.*, no activity from two (2) hours before **sunrise** to two (2) hours after **sunrise**)

ii) Avoid activities (e.g., construction and vehicle noise) that will disturb lek attendance or breeding from February 15 - May 15. The local DWR biologist should be consulted for time and distance determinations based on site-specific conditions.

Nesting and Brood Rearing Areas

Management provisions include**:**

a) Avoid disturbance within nesting, early and late brood-rearing area, if possible. Project proponents must demonstrate why avoidance is not possible.

b) If avoidance is not possible, use minimization as appropriate in the nesting and brood-rearing area. For example, try to minimize effects by locating development in habitat of the least importance, take advantage of topographic features to screen the disturbance, or maintaining and enhancing wet meadow and riparian vegetation to provide food and shelter.

c) If minimization is not sufficient, compensatory mitigation should be utilized. It is recommended that any person causing permanent disturbance to an acre of sage-grouse habitat should provide or protect four acres of functional habitat or corridors as a proper compensatory mitigation ratio to offset impacts. The 4:1 Mitigation Ratio is intended to offset the direct and indirect impacts from permanent disturbance, while also accounting for differences in habitat quality and uncertainty resulting from compensatory mitigation projects. Project proponents may propose an alternative mitigation strategy or ratio that independently and adequately considers and offsets the direct and indirect effects of any project on sage-grouse. Alternative mitigation strategies must be agreed to in writing by the landowner, DWR and PLPCO prior to implementing such action. Compensatory Mitigation should result in the creation or protection of functional habitat or corridor capable of supporting greater sage-grouse, though birds do not need to be using the mitigated area.

Functional habitat is defined in Utah Admin. Code R634-3-3 and is intended to result in lands that will support sage-grouse lifecycle. Similarly, corridors are defined in Utah Admin. Code R634-3-3 and are intended to serve as an area of land that facilitates sage-grouse movement between two or more areas of currently occupied habitat. The proponent of the disturbance must demonstrate that the conditions have been met.

Successful mitigation for effects may include:

ii) Creating functional sage-grouse habitat adjacent to existing occupied habitat that has a live sagebrush canopy of at least 10%, and has no more than 1% canopy cover of conifer trees over 0.5 meters in height.

iv) Creating corridors that link two occupied habitat areas that facilitates safe movement between habitats, particularly by broods. A corridor must be at least 100 acres in size, have a width of at least 2,000 feet, contain less

than 1% canopy cover by conifers, and have at least 15% ground cover in perennial grasses, in addition to the presence of shrubs and forbs.

v) Protecting existing occupied habitat through a conservation bank, easement or other mechanism.

d) Cumulative new permanent disturbance within the SGMA should not exceed 3% of the spatial extent of the nesting habitat within the SGMA.[2] Allowances should be made to include the temporal effects of any temporary disturbance, if any such effects are expected. The base upon which this calculation is made may be increased through successful rehabilitation or restoration of habitat, or other mitigation actions as appropriate.

e) Employ seasonal stipulations as follows:

i) Avoid activities (construction, vehicle noise, etc.) that will disturb nesting or brood-rearing from April 1 - August 15. The local DWR biologist should be consulted for time and distance determinations based on site-specific conditions.

Winter Habitat

Winter habitat in Utah is mostly dominated by Wyoming Big and Black Sagebrush.

Management provisions include:

a) Avoid disturbance within winter habitat, if possible. Project proponents must demonstrate why avoidance is not possible.

b) If avoidance is not possible, minimize as appropriate in winter habitat. Minimization provisions include, for example, the location of development in habitat of least importance or by locating development to take advantage of topographic screening.

f) If minimization is not sufficient, compensatory mitigation should be utilized. It is recommended that any person causing permanent disturbance to an acre of sage-grouse habitat should provide or protect four acres of functional habitat or corridors as a proper compensatory mitigation ratio to offset impacts. The 4:1 Mitigation Ratio is intended to offset the direct and indirect impacts from permanent disturbance, while also accounting for differences in habitat quality and uncertainty resulting from compensatory mitigation projects. Project proponents may propose an alternative mitigation strategy or ratio that independently and adequately considers and offsets the direct and indirect effects of any project on sage-grouse. Alternative mitigation strategies must be agreed to in writing by the landowner, DWR and PLPCO prior to

[2] The 3% disturbance cap should be monitored and implemented in concert with the provisions of Appendix 9.

implementing such action. Compensatory Mitigation should result in the creation or protection of functional habitat or corridor capable of supporting greater sage-grouse, though birds do not need to be using the mitigated area.

Successful mitigation may include:

g) Creating functional sage-grouse habitat adjacent to existing occupied habitat that has a live sagebrush canopy of at least 10%, and has no more than 1% canopy cover of conifer trees over 0.5 meters in height.

i) Creating corridors that link two occupied habitat areas that facilitates safe movement between habitats, particularly by broods. A corridor must be at least 100 acres in size, have a width of at least 2,000 feet, contain less than 1% canopy cover by conifers, and have at least 15% ground cover in perennial grasses, in addition to the presence of shrubs and forbs.

j) Protecting existing occupied habitat through a conservation bank, easement or other mechanism.

h) Cumulative new permanent disturbance within the SGMA should not exceed 3% of the spatial extent of the nesting habitat within the SGMA.[3] Allowances should be made to include the temporal effects of any temporary disturbance, if any such effects are expected. The base upon which this calculation is made may be increased through successful rehabilitation or restoration of habitat, or other mitigation actions as appropriate.

c) Manage winter habitat to maintain maximum amount of sagebrush, especially tall sagebrush, which would be available to greater sage-grouse above snow during a severe winter. Tall sagebrush is capable of standing above heavier than normal snowfall. Greater sage-grouse do not require an understory component in winter habitat.

d) Employ seasonal disturbance stipulations as follows:
Avoid activities (construction, vehicle noise, etc.) that will disturb wintering sage-grouse from November 15 - March 15. The local DWR biologist should be consulted for time and distance determinations based on site-specific conditions.

e) Sagebrush treatment projects within winter habitat need pre-approval by the appropriate regulatory agency in consultation with the DWR. Sagebrush treatment projects within winter habitat should maintain 80% of the available habitat as tall sagebrush; 20% of the habitat can be managed for younger age classes, if appropriate.

f) Manage the lands to avoid barriers to migration, if applicable.

[3] The 3% disturbance cap should be monitored and implemented in concert with the provisions of Appendix 9.