

# News Release

Office of Public Affairs  
5275 Leesburg Pike, MS-EA  
Falls Church, VA 22041-3803  
Phone: 703-358-2220  
Fax: 703-358-2245  
<http://www.fws.gov>



August 31, 2016

Contact: Gavin Shire, 703-358-2649, [gavin\\_shire@fws.gov](mailto:gavin_shire@fws.gov)

## **Proposed Policy will Help Address Impacts of Development on Nation's Most At-Risk Species, Preserve Environmental Legacy for Future Generations**

*Compensatory mitigation policy provides mechanisms to help further protect endangered or threatened species and their habitats while allowing economic activity to continue*

Answering President Obama's [call](#) to ensure economic development, infrastructure and national security goals are compatible with environmental preservation, the U.S. Fish and Wildlife Service today announced a proposal to effectively and sustainably offset adverse impacts of development activities to the nation's most at-risk species and their habitats.

In his November 2015 memorandum, the President directed the Department of the Interior to update its existing mitigation policy and craft a new policy that addresses mitigation of impacts on species that are listed, or may soon need to be listed under the Endangered Species Act (ESA).

As a result, the Service released a proposed revised [Mitigation Policy](#) in March 2016 and is now proposing a draft Compensatory Mitigation Policy (CMP). The CMP provides clear and consistent measures to address anticipated but unavoidable adverse impacts of proposed actions on listed species and other resources of concern. Most significantly, the draft policy moves the Service from project-by-project mitigation to strategic mitigation planning at the landscape level. It also sets standards and provides criteria that mitigation programs and projects can meet to achieve conservation goals.

“Despite our best efforts to avoid and minimize impacts on the environment, there will almost always be some impacts that are unavoidable. Where at-risk species are concerned, we must ensure to the greatest extent possible that those impacts are compensated for,” said Gary Frazer, the Service's Assistant Director for Ecological Services. “This policy takes a landscape-level approach to mitigation that will assist the Fish and Wildlife Service in modernizing our compensatory mitigation practices and meeting the challenges posed by a growing human population, climate change and other human-induced threats, while still being compatible with today's vital economic activity.”

The proposed CMP is the first comprehensive treatment of compensatory mitigation under authority of the ESA to be issued by the Service. The policy replaces previous policies and guidance documents and expands coverage to all compensatory mitigation mechanisms recommended or supported by the Service when implementing the ESA including: permittee-

responsible mitigation, conservation banking, in-lieu fee programs, habitat credit exchanges and other third party mitigation arrangements. The benefits provided by these mitigation programs will encourage and incentivize federal agencies and applicants to develop proposed actions that compensate for adverse impacts to affected species.

The CMP adopts the guiding principles from the proposed revised [Mitigation Policy](#), including the goal of ensuring that, at a minimum, an action results in no net loss toward achieving conservation outcomes for affected resources, or a net benefit in conservation outcomes, whenever the situation merits and doing so is allowed by law.

The proposed policy will publish in the *Federal Register* on September 2, 2016. Written comments and information concerning this proposal can be submitted by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. [FWS-HQ-ES-2015-0165]; or
- U. S. mail or hand-delivery: Public Comments Processing, Attn: [FWS-HQ-ES-2015-0165]; Division of Policy, Performance and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Pike - MS: BPHC Falls Church, VA 22041-3808.

Comments must be received within 45 days, on or before October 17, 2016. The Service will post all comments on <http://www.regulations.gov>. This generally means the agency will post any personal information provided through the process. The Service is not able to accept email or faxes.

The mitigation principles and compensatory mitigation standards identified in this draft policy are part of the Service's efforts to improve the implementation of the ESA. For more information: [https://www.fws.gov/endangered/improving\\_esa/cmp.html](https://www.fws.gov/endangered/improving_esa/cmp.html).

*The U.S. Fish and Wildlife Service works with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. For more information, visit [www.fws.gov](http://www.fws.gov), or connect with us through any of these social media channels: [Facebook](#), [Twitter](#), [YouTube](#) and [Flickr](#).*