

**AMENDMENT TO FISH AND WILDLIFE SERVICE
MANUAL CHAPTER 501 FW 2, APPENDIX 1**

Series: Interagency, Intergovernmental and International Activities, and Environmental Quality Series
Part 501: Interagency Activities – General
501 FW 2, Appendix 1: FWS Mitigation Policy, published 5/10/2023
Amendment Number: 1
Purpose: This amendment corrects language in the FWS Mitigation Policy in section 6.7.1, section 6.7.3, and Appendix Part D regarding authorities for mitigation. The corrected language adjusts terms and references regarding environmental justice to better conform with direction in Executive Order 14173 on Ending Illegal Discrimination and Restoring Merit-Based Opportunity, issued January 21, 2025.

Actions:

Under section 6.7.1, the final paragraph will be corrected from:

Service personnel should also consider the needs of local communities when collaborating on siting compensatory mitigation. Factors important to local communities, including the environmental justice implications of project impacts and mitigation siting, should be considered, consistent with applicable authority and resource management responsibilities. For example, if a project affects ecosystem services (e.g., flood storage, recreational opportunities, water quality, etc.) valuable to local communities, the Service should consider ways to site compensatory mitigation so that the replacement ecosystem services still benefit the affected local community to the same degree as before the action.

To:

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Under section 6.7.3, the final paragraph will be corrected from:

Recreational use of compensatory mitigation sites. Consistent with applicable statutes, the Service supports those recreational uses on compensatory mitigation sites that are compatible with the conservation goals of those sites. If certain uses are incompatible with the conservation goals for the compensatory mitigation sites, for example, off-road vehicle use in an area conserved for wildlife intolerant to disturbance, the Service should recommend against such uses. When compatible, the public access and consumptive and non-consumptive uses that can be accommodated may provide community benefits. These benefits may be important means of addressing environmental justice concerns in communities where recreational attributes are limited and may be further degraded by a proposed project. Service personnel should consider these benefits when developing mitigation recommendations.

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Under Appendix, Additional Mitigation Authorities, Part D, the list of Executive Orders will be corrected by striking #5 and renumbering the remaining Orders as follows:

1. Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, January 10, 2001
2. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, January 4, 1979
3. Executive Order 11988, Floodplain Management, May 24, 1977
4. Executive Order 11990, Protection of Wetlands, May 24, 1977
- ~~5. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low Income Populations, February 11, 1994~~
56. Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance, October 5, 2009

67. Executive Order 13604, Improving Performance of Federal Permitting and Review of Infrastructure Projects, March 22, 2012

78. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000

89. Executive Order 13007, Indian Sacred Sites, May 24, 1996

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