

**AMENDMENT TO FISH AND WILDLIFE SERVICE
MANUAL CHAPTER 501 FW 3, APPENDIX 1**

Series: Interagency, Intergovernmental and International Activities, and Environmental Quality Series
Part 501: Interagency Activities – General
501 FW 3, Appendix 1: FWS Endangered Species Act Compensatory Mitigation Policy, published 5/10/2023 and amended 7/3/2023
Amendment Number: 2
Purpose: This amendment corrects language in the FWS Endangered Species Act Compensatory Mitigation Policy in section 5.1. The corrected language adjusts terms regarding environmental justice to better conform with direction in Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, issued January 21, 2025.

Actions:

Under section 5.1 Effective Siting, the second paragraph will be corrected from:

“The Service characterizes a landscape approach as scale-appropriate decision making that implements existing conservation plans, emphasizes early engagement, and respects the need to coordinate across Federal, State, Tribal, local, and nongovernmental levels. Effectively engaging with local communities can help ensure consideration of other factors as well, including the environmental justice implications of mitigation siting. For example, if a project in a degraded landscape also affects ecosystem functions or services (e.g., flood storage, recreational opportunities, water quality, etc.), working with local communities to consider opportunities to site compensatory mitigation that may also address those impacted ecosystem services may be an effective way to provide more comprehensive and equitable offsets for the project. By taking a landscape approach, the Service does not assert authority to require proponents to consider compensatory mitigation for impacts unconnected to their project. This policy does not override any statutory or regulatory authority that describes the appropriate scope of review for a particular project, nor is the landscape approach intended to supplant or disregard State, Tribal, or local plans or interests.”

To:

“The Service characterizes a landscape approach as scale-appropriate decision making that implements existing conservation plans, emphasizes early engagement, and respects the need to coordinate across Federal, State, Tribal, local, and nongovernmental levels. Effectively engaging with local communities can help ensure consideration of other factors as well, including the implications of mitigation siting. For example, if a project in a degraded landscape also affects

ecosystem functions or services (e.g., flood storage, recreational opportunities, water quality, etc.), working with local communities to consider opportunities to site compensatory mitigation that may also address those impacted ecosystem services may be an effective way to provide more comprehensive offsets for the project. By taking a landscape approach, the Service does not assert authority to require proponents to consider compensatory mitigation for impacts unconnected to their project. This policy does not override any statutory or regulatory authority that describes the appropriate scope of review for a particular project, nor is the landscape approach intended to supplant or disregard State, Tribal, or local plans or interests.”

Brian Nesvik
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