

March 10, 2021

Scott de la Vega, Acting Secretary of the Interior
Department of Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Acting Secretary de la Vega,

The undersigned hunting, fishing, conservation, professional society, outdoor-industry, and landowner organizations are writing to encourage the Department of the Interior (DOI) to adopt and implement balanced, durable mitigation policies. It is our strong belief that such policies will be critical to the Department's success in meeting its bureau/agency mandates and trust responsibilities, as well as its ambitious goals for climate and other initiatives. When well designed and effectively implemented, such mitigation policies can reduce conflict between conservation and land use activities, ensure project success, and support private land stewardship.

The Department now has the opportunity to establish agency-wide policies and guidance that provide decision-makers with all the tools needed to make efficient decisions about land use activities in a way that aligns with their land management and conservation mandates, as well as with Administration goals for reducing the impacts of climate change. Mitigation "done right" involves smart planning that fully considers the interests of the proposed project and land management priorities and implements the mitigation hierarchy – avoidance, minimization, and compensation for remaining unavoidable impacts – to ensure land use activities limit impacts to irreplaceable fish and wildlife habitat.

Federal agencies, states, and conservation professionals responsible for developing mitigation policies should work closely with affected industries, local communities, and the broad network of public lands users to develop a consistent and well-coordinated planning framework for mitigation and project approval. This framework should be built on the best available science to guide decisions affecting biologically rich landscapes and areas to avoid because of their irreplaceable values to fish, wildlife, habitat, and climate resilience. When compensation is necessary, federal and state regulators can ensure outcomes for conservation, climate resiliency, and people are maximized. Further, a common set of standards for compensatory mitigation should be transparently developed with maximum opportunities for public engagement.

The Department, Bureau of Land Management (BLM), and U.S. Fish and Wildlife Service have broad authority to recommend and require application of the full mitigation hierarchy, including compensatory mitigation. We urge the Department to update its mitigation policies to align with its agency mandates, goals for climate change, 30x30 and other initiatives, and do so in a way that garners the support of a range of stakeholders, sets high standards to ensure fairness and predictability, and yields durable policy outcomes.

Specifically, we recommend that the Department prioritize the following actions:

- Appoint a senior-level lead within the office of the Deputy Secretary of the Interior or Office of Policy, Management and Budget to coordinate adoption of mitigation policies across the agency's authorities in a manner that meets well-defined, high, and consistent standards.

- Adopt a responsible multiple-use approach to federal public lands planning and management that encourages application of mitigation as a means to balance development activities and other land uses with fish and wildlife conservation.
 - Rescind [BLM Instruction Memorandum \(IM\) 2019-018 – “Compensatory Mitigation” \(December 6, 2018\)](#) and replace with an IM establishing a balanced approach to mitigation.
 - Adopt of policies that, as appropriate, encourage or require mitigation for all aspects of public lands planning and management by updating and readopting the BLM Mitigation Manual (H-1794, 2016) and BLM Mitigation Handbook (H-1794-1, 2016).
 - Adopt new policies (e.g., regulations) that clarify BLM’s authority to encourage or require, as appropriate, mitigation in public lands planning and management (e.g., land use planning, use authorization, right-of-way authorization).
- Adopt mitigation policies that apply across all the U.S. Fish and Wildlife Service’s authorities.
 - Utilize the mandate of the 2021 National Defense Authorization Act, which directs the Service to issue regulations governing mitigation banks for endangered, threatened, and candidate species, to address all forms of compensatory mitigation.
 - Adopt a Service-wide mitigation policy that applies high and consistent standards across all the Service’s authorities (e.g., Endangered Species Act, Migratory Bird Treaty Act, Fish and Wildlife Coordination Act, and the Water Resource Development Act).
 - Implement the U.S. Fish and Wildlife Service [Policy Regarding Voluntary Prelisting Conservation Actions](#) (e.g., arctic grayling; <https://www.usda.gov/media/press-releases/2014/08/19/arctic-grayling-does-not-warrant-protection-under-endangered>) to evaluate whether adjustments are needed to promote the conservation of at-risk and sensitive species, such as sage grouse and lesser prairie chicken, in a manner that precludes their listing.
- We support the Service in reconsidering the Migratory Bird Treaty Rule, restoring these critical bird protections, and initiating a process to consider a permitting program for incidental take under the MBTA that utilizes the full mitigation hierarchy.

We believe that mitigation can be a key tool to help the Department advance and avoid unnecessary conflict between aggressive climate, conservation, and equity priorities. An open, transparent and multi-stakeholder process will help build broad-based support for mitigation policies, establish high standards for mitigation, and ensure a balanced, durable, and effective approach. Finally, tracking mitigation compliance and effectiveness is fundamental to success and we encourage the Department to ensure such tracking mechanisms indeed are in place, working, or be established.

We welcome the opportunity to further discuss our thoughts on the principles that we believe should underpin all mitigation policy and a process that can be used to build stakeholder support. Thank you for considering our input. We are eager to work with the Department to advance durable mitigation policies that support its climate, conservation, and equity priorities.

Sincerely,

American Sportfishing Association
 American Woodcock Society
 Angler Action Foundation
 Archery Trade Association

Backcountry Hunters and Anglers
Bass Anglers Sportsman Society
Fly Fishers International
Guy Harvey Ocean Foundation
Izaak Walton League of America
Land Trust Alliance
Mule Deer Foundation
National Bobwhite Conservation Initiative
National Deer Association
National Wild Turkey Federation
National Wildlife Federation
North American Falconers Association
North American Grouse Partnership
Orion: The Hunter's Institute
Pheasants Forever
Pope & Young Club
Public Lands Foundation
Quail Forever
Ruffed Grouse Society
The Conservation Fund
The Nature Conservancy
The Trust for Public Land
The Wildlife Society
Theodore Roosevelt Conservation Partnership
Trout Unlimited
Western Landowners Alliance
Wildlife Management Institute
Wildlife Mississippi