

Congress of the United States
Washington, DC 20515

June 13, 2016

The Honorable Dan Ashe
Director
U.S. Fish and Wildlife Service
1849 C Street NW, Rm. 3358
Washington, DC 20240

Dear Director Ashe,

We write to you today regarding the United States Fish and Wildlife Service's (FWS) "Proposed Revisions to the U.S. Fish and Wildlife Service Mitigation Policy" published in the Federal Register on March 8, 2016. This proposal could significantly alter the FWS's mitigation policy with consequences for our constituents that are uncertain at best. We believe an extension of the comment period beyond the current deadline of June 13, 2016 is necessary so that the public has sufficient time to review and analyze yet another broad, sweeping policy change that could impact jobs and economies across America.

The draft policy appears to exceed the FWS's statutory authority by adopting the mitigation goals of "net conservation gain" and "no net loss," neither of which is grounded in statute. The FWS is effectively altering the statutory standards in sections 7 and 10(a)(1)(B) of the Endangered Species Act and the Marine Mammals Protection Act, as well as the regulatory standards implementing section 404 of the Clean Water Act. In addition, the definitions of "net conservation gain" and "no net loss" are unclear and risk creating regulatory uncertainty our economy can ill afford.

These are just a few of the potential concerns with the draft policy, on which the public has not had a meaningful opportunity to comment. The draft policy reflects only one part of a government-wide mitigation strategy that numerous Executive Branch agencies are expected to unveil in bits and pieces pursuant to the Presidential Memorandum: Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment, which was released on November 3, 2015.

Given the potential for this policy shift to undermine locally-driven conservation efforts and limit economic development, we do not believe the FWS's draft policy should be finalized until the public has the ability to examine all of the agencies' mitigation proposals as a whole. The public should have the opportunity to review the government-wide mitigation strategy, assess how your draft policy interacts with other agencies' implementation of the mitigation strategy, and comment on the entire strategy. As such, we request you hold the comment period open on the draft policy until such a comprehensive review is possible. In the meantime, we request that

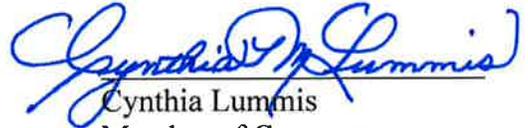
you specify in writing the statutory authority under which the FWS claims authority to issue its draft policy.

Thank you in advance for your consideration.

Sincerely,



Steve Pearce
Member of Congress



Cynthia Lummis
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Pete Sessions
Member of Congress



Ryan Zinke
Member of Congress



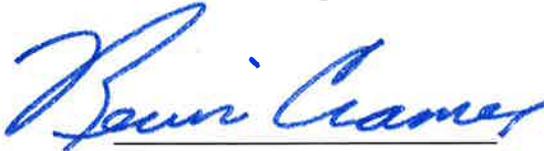
Raul Labrador
Member of Congress



David Schweikert
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Mark E. Amodei
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Kevin Cramer
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